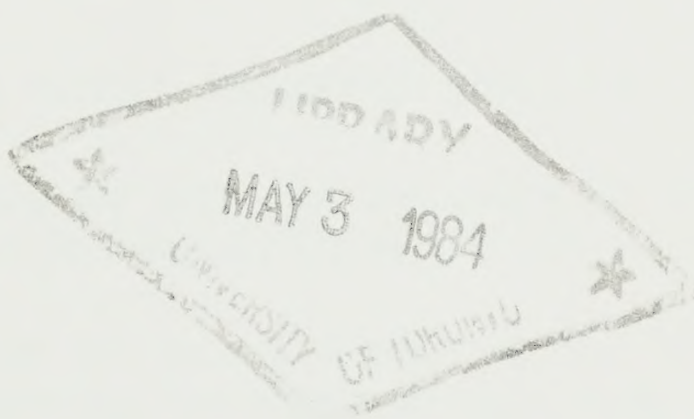


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STATUTES

OF THE

PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1983

In which year ended the thirty-first and began the thirty-second year of the Reign of Her Majesty Queen Elizabeth II

And in which year the Second Session of the Thirty-Second Legislature of Ontario was reconvened on the 17th day of January and prorogued on the 23rd day of February and the Third Session of the Thirty-Second Legislature of Ontario was convened on the 18th day of April and prorogued on the 16th day of December.

HIS HONOUR JOHN B. AIRD
LIEUTENANT GOVERNOR

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PART I
PUBLIC ACTS

Chapters 1 to 89

CHAPTER 1

An Act to revise the Planning Act

Assented to January 27th, 1983

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “committee of adjustment” means a committee of adjustment constituted under section 43;
- (b) “land division committee” means a land division committee constituted under section 55;
- (c) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (d) “local municipality” means a city, town, village and township;
- (e) “Minister” means the Minister of Municipal Affairs and Housing;
- (f) “Municipal Board” means the Ontario Municipal Board;
- (g) “municipality” means a local municipality, a county and a regional, metropolitan or district municipality;
- (h) “official plan” means a document approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to relevant social, economic and environmental matters;

- (i) “prescribed” means prescribed by the regulations;
- (j) “public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;
- (k) “regulations” means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsi-
bility of
Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;
- (b) the protection of features of significant natural, architectural, historical or archaeological interest;
- (c) the supply, efficient use and conservation of energy;
- (d) the provision of major communication, servicing and transportation facilities;
- (e) the equitable distribution of educational, health and other social facilities;
- (f) the co-ordination of planning activities of municipalities and other public bodies;
- (g) the resolution of planning conflicts involving municipalities and other public bodies;
- (h) the health and safety of the population; and
- (i) the protection of the financial and economic well-being of the Province and its municipalities.

Policy
statements

3.—(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue pol-

icy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

Minister to confer

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1).

Regard to be had to policy statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act other than the authority to approve the official plan or amendments thereto of the municipality of which it is the council, under section 50 of the *Condominium Act*, under subsection 298 (11) and subsection 306 (2) of the *Municipal Act*, under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of Minister's powers: to municipality

R.S.O. 1980, cc. 84, 302, 445, 230

(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve official plans and amendments thereto, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister,

to planning board

all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions (3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide.

Withdrawal of delegation of powers (4) The Minister may by order, accompanied by a written explanation therefor, withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further delegation of powers **5.—**(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Idem (2) In addition to the authority of a council to, in turn, delegate any authority under subsection (1), where the Minister has delegated to a council his authority for the giving of consents under section 52, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 43 and the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications in the exercise of that authority.

Conditions (3) A delegation made by a council under subsection (1) or (2) may be subject to such conditions as the council may by by-

law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

(4) A council may by by-law withdraw any delegation made under subsection (1) or (2), whereupon the provisions of subsection 4 (4) apply with necessary modifications.

Withdrawal of delegation of powers

6.—(1) In this section, “ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro.

Interpretation

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality.

Consultation

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature.

Grants

PART II

LOCAL PLANNING ADMINISTRATION

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine.

Planning advisory committee

(2) The councils of two or more municipalities may enter into agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee composed of such persons as they may determine.

Joint planning by agreement

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments.

Remuneration

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning area defined by Minister

Planning
board for
planning
area
to board

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments
to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of
office

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

Planning
area in
unorganized
territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof.

Body
corporate,
quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of
documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates:
one
municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate

and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

two or more municipalities

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

When estimates binding

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Notification

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

Where apportionment not satisfactory

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Power of O.M.B

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be.

Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area.

Municipal grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

Duties of planning board: advice and assistance

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

- (b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

preparation
of official
plan

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council.

Upper-tier
municipalities;
planning
functions

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS

Contents of
official plan

16. In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of,

- (a) the measures and procedures proposed to attain the objectives of the plan; and
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan, or in respect of a proposed zoning by-law.

Preparation
of official
plan by
municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Information
and public
meeting

(2) The council shall ensure that in the course of the preparation of the plan adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed.

(3) The meeting mentioned in subsection (2) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan.

Time for meeting, etc.

(4) Where an official plan contains provisions describing the measures for informing and securing the views of the public in respect of amendments that may be proposed for the plan, the provisions of subsections (2) and (3) do not apply to such amendments if the measures are complied with.

Alternative procedure

(5) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed plan adequate information, and before adopting the plan the council shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the council.

Comments by agencies, etc.

(6) When the requirements of subsections (2), (3), (4) and (5) have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, it may by by-law adopt the plan and submit it to the Minister for approval.

Adoption of plan

(7) When the plan is adopted, the council shall cause to be compiled and forwarded to the Minister a record which shall include,

Record

- (a) a certified copy of the by-law adopting the plan;
- (b) a statement by an employee of the municipality certifying that the requirements for the giving of notice and the holding of at least one public meeting as mentioned in subsection (2) or as described in the provisions of the official plan mentioned in subsection (4), as the case may be, and, for the giving of notice as mentioned in subsection (8), have been complied with;
- (c) the original or true copy of all written submissions or comments and accompanying material received prior to the adoption of the plan; and
- (d) such other information or material as the Minister may require.

(8) Where the council adopts the plan, the clerk of the municipality shall, not later than fifteen days after the day the plan was adopted, give written notice of the adoption of the

Notice

plan to the Minister, to each person who filed with the clerk a written request to be notified if the plan is adopted and to each body that submitted comments under subsection (5) and that in writing requested to be notified if the plan is adopted.

Approval,
refusal to
approve or
modification
of plan by
Minister

(9) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the plan and, subject to subsection (11), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified.

Approval of
plan in part

(10) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person or other body to request the Minister to refer any part of the plan to the Municipal Board under subsection (11).

Referral of
plan or part
thereof to
O.M.B.

(11) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or other body requests the Minister to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (12), unless in his opinion, such request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay.

Reasons

(12) Where a person submits a request to the Minister under subsection (11), he shall include therewith a statement in writing setting out the reasons for the request.

Explanation
for refusal to
refer

(13) Where the Minister refuses to refer the plan or any part of the plan to the Municipal Board as requested under subsection (11), he shall provide a written explanation for the refusal.

Parties

(14) The parties to a referral are the person or other body, if any, that requested the referral, the municipality and any person or other body added as a party by the Municipal Board.

Adding of
parties

(15) The Municipal Board may add as a party to the referral any person, including the Minister or other body who applies to the Board to be added as a party.

Represent-
ations by
person not a
party

(16) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.

(17) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons or bodies as the Board considers appropriate.

Hearing and notice thereof

(18) The Municipal Board may make any decision that the Minister could have made.

Decision

(19) Where the plan or any part of the plan is referred to the Municipal Board under subsection (11), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.

Where provincial interest adversely affected

(20) Where the Municipal Board has received notice from the Minister under subsection (19) the decision of the Board is not final and binding in respect of the part or parts identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the part or parts.

Decision where provincial interest

(21) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the plan identified in the notice and in doing so may direct the Minister to modify the part or parts of the plan.

Power of Lieutenant Governor in Council

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Recommendation of plan

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

Submission of plan to council

- (a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and
- (b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (6), by by-law adopt the plan and the

Adoption of plan

clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (7) and (8).

Submission
of plan to
Minister

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (9) to (21) apply.

Application
of s. 17 (2-21)

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality.

Adoption of
plan in
unorganized
territory

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board,

- (a) shall ensure that in the course of the preparation of the plan adequate information is made available to the public through the holding of one or more public meetings or, in the case of an amendment to the official plan, through such other measures as are provided for in the official plan, and shall afford every person who so requests an opportunity to make representation in respect of the plan; and
- (b) shall provide to such boards, commissions, authorities or other agencies as the planning board considers may have an interest in the proposed plan adequate information, and shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the planning board,

and thereafter subsections 17 (6) to (21) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging of
plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister.

(2) The lodging required by subsection (1) shall be carried out, Who to lodge plan

- (a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and
- (b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

(3) All copies lodged under subsection (1) shall be available for public inspection during office hours. Public inspection

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal. Amendment or repeal of plan

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (11) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved. Waiver of requirement for approval

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (9) and he may refuse the request to refer the proposed amend- Powers of Minister to confer, etc.

ment to the Municipal Board on providing a written explanation for the refusal or may refer the proposed amendment to the Board.

Application
of s. 17 (14-
17)

(4) The provisions of subsections 17 (14) to (17) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or make the amendment in such manner as the Board may determine or direct that the council cause the amendment to be made in the manner provided in the order of the Board.

Where
provincial
interest
adversely
affected

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Procedure by
O.M.B.

(6) Where the Municipal Board receives notice from the Minister under subsection (5) the provisions of subsections 17 (20) and (21) apply with necessary modifications.

Request by
Minister to
amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by
O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to
refer to
O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Notice

(5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it.

Decision of
O.M.B.

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine.

Powers of
L. G. in C.

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

Public works
and by-laws
to conform
with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

Validity of
by-laws
conforming
with
amendments
to plans

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

Preliminary
steps that
may be taken
where
proposed
public work
would not
conform with
official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal,

When zoning
by-law
deemed to
conform with
official plan

(a) no appeal is taken; or

- (b) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

Acquisition
of lands in
accordance
with
provisions of
plan

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Contribution
towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section.

Determi-
nation of
need for
revision of
plan

26.—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a revision of the official plan.

Notice

(2) Notice of every special meeting held under subsection (1) shall be published at least once a week in each of two separate weeks, such publication to be completed not later than thirty days before the date of the meeting, and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan.

Direction by
Minister

(3) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a revision of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the revision to be undertaken without undue delay.

Amendments
to conform
with upper-
tier plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

- (a) every official plan; and

- (b) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Amendment
by upper-tier
municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.

Deemed to
be by-law of
lower-tier
municipality

(4) In the event of a conflict between the official plan of a county or of a regional, metropolitan or district municipality and the official plan of a local municipality, the plan of the county or of the regional, metropolitan or district municipality, as the case may be, prevails to the extent of such conflict, but in all other respects the official plan of the local municipality remains in full force and effect.

Where
conflict
between
plans

PART IV

COMMUNITY IMPROVEMENT

28.—(1) In this section,

Interpre-
tation

- (a) “community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “community improvement plan” means a plan approved by the Minister for the community improvement of a community improvement project area;

- (c) “community improvement project area” means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.

Designation
of
community
improvement
project area

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Acquisition
and clearance
of land

(3) When a by-law has been passed under subsection (2), the municipality may,

- (a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement.

Preparation
of
community
improvement
plan

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the community improvement plan and any amendments thereto, provided however, where an official plan contains provisions describing the measures mentioned in subsection 17 (4), the provisions of subsections 17 (2) and (3) do not apply in respect of the community improvement plan and any amendments thereto, if the measures are complied with.

Deemed
community
improvement
plan

(5) The Minister may, in writing, deem the provisions relating to community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section.

(6) For the purpose of carrying out the community improvement plan, the municipality may,

Powers of council re land

(a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Grants or loans

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Application of s. 32 (2, 3)

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

Conditions of sale, etc.

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

Registration of agreement

R.S.O. 1980, cc. 445, 230

Debentures
R.S.O. 1980,
c. 302

(11) Despite subsection 143 (1) of the *Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Dissolution
of area

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

Agreement
re studies and
development

29.—(1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Where
approval of
Minister not
required

(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister.

Agreements
for grants in
aid of
community
improvement

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Interpre-
tation

31.—(1) In this section,

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the prop-

erty in accordance with the standards for the maintenance and occupancy of property;

- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Adoption of
policy
statement

(3) If,

- (a) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or
- (b) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

Standards
for
maintenance
and
occupancy

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
- (d) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;
- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry
into
dwelling
place
R.S.O. 1980,
c. 400

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Notice of
violation

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice.

Contents of
order

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

Order to
be sent to
last known
address

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Substituted
service

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

Registration
of notice

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Chairman,
acting
chairman,
secretary

(13) The members of the committee shall be paid such compensation as the council may provide.

Remuner-
ation

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of
documents,
etc.
R.S.O. 1980.
c. 302

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Quorum and
procedure

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the sec-

Appeal to
committee

retary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision
on appeal

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to
judge

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair or
demolish

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner.

Certificate of compliance

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day that the contravention has continued.

Enforcement

(23) Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

Emergency order

(24) After making an order under subsection (23), the officer may, either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

Emergency powers

(25) The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (24).

No compensation where reasonable exercise of powers

(26) Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in subsection (24), the officer shall forthwith after the measures have been taken, serve or send copies of the order, in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6) and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

Service of order and statement

Separate
service of
statement

(27) Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection (26), in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6).

Application
to county
judge

(28) Forthwith after the requirements of subsection (26) or (27) have been complied with the officer shall apply to a judge of the county or district court of the judicial district in which the property is situate for an order confirming the order made under subsection (23), and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

Disposition
by judge
final

(29) The disposition of the application under clause (28) (c) is final and binding.

Recovery of
expense

(30) Where a municipality demolishes or repairs property as mentioned in subsection (20) or takes measures to terminate a danger as mentioned in subsection (24) the municipality may recover the expense incurred in respect thereof by any or all of the methods provided for in section 325 of the *Municipal Act*, except that such amount, if any, as is to be borne by the municipality as a result of a determination under clause (28) (c) may not be recovered.

R.S.O. 1980,
c. 302

Grants or
loans for
repairs

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Loans
collected as
taxes, lien
on land

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Registration
of
certificate

33.—(1) In this section,

Interpre-
tation

- (a) “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) “residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Establishment
of demolition
control area
by by-law

Council
may issue
or refuse
to issue
permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to
O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Application
for demoli-
tion permit
where build-
ing permit
issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of
demolition
permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration
of certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Appeal to
O.M.B.

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application
to council for
relief from
conditions of
demolition
permit

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of
council on
application

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Appeal to
O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential prop-

Offence

erty has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards
for health
and safety
remain in
force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

Application
of
R.S.O. 1980,
c. 51, s. 5

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*.

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning
by-laws

34.—(1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting
use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erecting,
locating or
using of
buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy
lands,
etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable.

4.

For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Construction of buildings or structures
5.

For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

Minimum elevation of doors, etc.
6.

For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Loading or parking facilities
- (2)

The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1).

Pits and quarries
- (3)

The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Minimum area and density provisions
- (4)

A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 45 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section.

Interpretation
R.S.O. 1980, c. 302
- (5)

A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Prohibition of use of land, etc., availability of municipal services
- (6)

A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certi-

Certificates of occupancy

ificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition
and
disposition
of non-
conforming
lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Excepted
lands and
buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980,
c. 51

By-law
may be
amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal to
O.M.B.

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the

same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order.

(12) Before passing a by-law under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the proposed by-law.

Information
and public
meeting

(13) The meeting mentioned in subsection (12) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed by-law.

Time for
meeting,
etc.

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws the provisions of subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with.

Alternative
procedure

(15) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed by-law, adequate information, and before passing the by-law the council shall afford them an opportunity to submit comments in respect of it up to such time as is specified by the council.

Comments
by agencies,
etc.

(16) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Further
notice

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11), the clerk of the municipality shall, not later than fifteen days after the day the by-law was passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed.

Notice of
passing of
by-law

(18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-

Appeal to
O.M.B.

law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law
deemed to
have come
into force

(19) When no notice of appeal is filed under subsection (18), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re
no appeal,
etc.

(20) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (17) or that no notice of appeal was filed under subsection (18) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Forwarding
of
record, etc.,
to
O.M.B.

(21) The clerk of the municipality, upon receipt of a notice of appeal under subsection (18), shall compile a record which shall include,

- (a) a copy of the by-law certified by him;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (17) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law prior to the passing thereof,

and the clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Parties

(22) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Adding of
parties

(23) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Representations by
person not
party

(24) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

(25) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Hearing

(26) Despite subsection (25), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Dismissal of
appeal
without
hearing

(27) The Municipal Board may,

Powers of
O.M.B.

- (a) dismiss the appeal; or
- (b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

(28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Where
provincial
interest
adversely
affected

(29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Procedure

(30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

Power of
L.G. in C.

(31) Where one or more appeals have been filed under subsection (18), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as

When by-law
deemed to
have come
into force

are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council as mentioned in subsections (27) and (30), shall be deemed to have come into force on the day it was passed.

Holding
provision
by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding symbol mentioned in subsection (1).

Appeal to
O.M.B.

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order.

Application
of
s. 34 (11-26)

(4) Subsections 34 (11) to (26) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law.

Increased
density, etc.,
provision
by-law

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

Condition

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development.

Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration of agreement

R.S.O. 1980, cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Interim control by-law

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Extension of period by-law in effect

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Notice of passing of by-law

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to O.M.B.

(5) Where a notice of appeal is filed under subsection (4), the provisions of subsections 34 (21) to (30) apply with necessary modifications.

Application of s. 34 (21-30)

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the

When prior zoning by-law again has effect

interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application
of
s. 34 (9)

(8) The provisions of subsection 34 (9) apply with necessary modifications to a by-law passed under subsection (1) or (2).

Temporary
use
provisions

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

Area and
time in
effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

Extension

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.

Non-
application of
s. 34 (9) (a)

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized.

Agreement
exempting
owner from
requirement
to provide
parking

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

Payment of
money

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

Special
account

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be

invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account.

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes.

Registration
of
agreement

R.S.O. 1980,
c. 302

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated.

Certificate

40.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 45 (1) (a) of this Act.

Interpre-
tation

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

Establishment
of site
plan control
area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34.

Designation
of site
plan control
area

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

Approval
of plans or
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a).
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
 - (a) the massing and conceptual design of the proposed building;
 - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Drawings for
residential
buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions
to approval
of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs. R.S.O. 1980,
c. 421
 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

Widenings,
etc., of
county,
regional,
etc.,
highways

(8) Where an area designated under subsection (2) is within a county or a regional, metropolitan or district municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the county or regional, metropolitan or district municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the county or regional, metropolitan or district municipality any or all of the following:

1. Subject to the provisions of subsection (9), widenings of highways that are under the jurisdiction of the county or regional, metropolitan or district municipality and that abut on the land.

R.S.O. 1980,
c. 421

2. Subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.

3. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways;

- (b) enter into one or more agreements with the county or regional, metropolitan or district municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas.

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

Widening
must be
described
in official
plan

(10) Any agreement entered into under clause (7) (c) or under clause (8) (b) may be registered against the land to which it applies and the municipality or the county or regional, metropolitan or district municipality, as the case may be, is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of
agreements

R.S.O. 1980,
cc. 445, 230

(11) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c).

Application
of
R.S.O. 1980,
c. 302, s. 325

(12) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or by the county or regional, metropolitan or district municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or to the clerk of the county or regional, metropolitan or district municipality in the case of a requirement made by a county or regional, metropolitan or district municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Appeal to
O.M.B.

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

Classes of
development,
delegation

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and

- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

Certain
agreements
declared
valid and
binding
R.S.O. 1970,
c. 349

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding.

Conveyance
of land
for park
purposes

41.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

Interpre-
tation

(2) For the purposes of subsection (3), “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

Alternative
requirement

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

Official
plan
requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.

Use and
sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Cash
payment
in lieu of
conveyance

R.S.O. 1980,
c. 148

(7) The provisions of subsection 50 (12) apply with necessary modifications to all moneys received under subsection (5) or (6).

Application
of
s. 50 (12)

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 50 or section 52 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received.

Where
account
taken
of previous
conveyances
or payments

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter.

Application
to O.M.B.

42.—(1) Subsections 34 (12) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

Application
of s. 34
(12-31)

R.S.C. 1970,
c. W-8

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed.

Effect of amendment that conforms with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 46 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment of committee of adjustment

43.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

Copy of by-law to Minister

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof.

Term of office

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.

Idem

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

Vacancy not to impair powers

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

Chairman

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman.

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose.

Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide.

Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of documents, etc.

R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed.

Rules of procedure

44.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 37, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, ~~authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.~~

Powers of committee; general

(2) In addition to its powers under subsection (1), the committee, upon any such application,

special

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee,

is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of
committee to
grant minor
variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

Time for
hearing

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of
hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed, give notice of the application.

Hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths

(7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions
in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and

subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him, Notice of decision

- (a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed. Additional material

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board. Appeal to O.M.B.

R.S.O. 1980,
c. 347

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. Idem

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. Where no appeal

Where
appeals
withdrawn

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal
of appeal
by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.

Notice of
decision

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

Interpre-
tation

45.—(1) In this section,

(a) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

(b) “parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 49 (3) (b) or clause 49 (5) (a).

One mobile
home per
parcel of land
R.S.O. 1980,
c. 413

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 46 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land

as defined in clause (1) (b) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

(3) This section does not apply to prevent the continued use in the same location of any mobile home that, Saving

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

46.—(1) The Minister may by order,

Power of Minister re zoning and subdivision control

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (12) to (31) of that section do not apply to the exercise of such powers; and
- (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 49 (4).

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 44 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 44 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers. Power of Minister to allow minor variances

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect. Order prevails over by-law in event of conflict

(4) Where the Minister so provides in the order, an order made under clause (1) (a) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality. Where order deemed by-law of municipality

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in Notice

such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980,
c. 302

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

Revocation
or
amendment

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1).

Notice

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Hearing
by O.M.B.

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal of
request by
Minister

(11) Despite subsection (10), where the Minister is of the opinion that a request of any person made under subsection (10) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

Notice of
hearing

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons

as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall, except as provided in subsection (16), give effect to the decision of the Board.

Decision of
O.M.B.

(14) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representation and to any person who in writing requests a copy of the decision.

Notification
of decision

(15) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the requested revocation or amendment, he may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the application.

Where
provincial
interest
adversely
affected

(16) Where the Municipal Board has received notice from the Minister under subsection (15) and has made a decision on the requested revocation or amendment the Minister shall not give effect to the decision under subsection (13) unless the Lieutenant Governor in Council has confirmed the decision.

Decision
where
provincial
interest

(17) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board where notice of a matter of provincial interest was given under subsection (15) and in doing so may direct the Minister to amend or revoke the order in whole or in part.

Disposition
by
L.G. in C.

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 49 (4).

Effect of
land use
order

47. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 45 or of an order made under section 46.

Where
licence,
etc., not
to issue

48.—(1) In this section, “officer” means an officer who has been assigned the responsibility of enforcing section 45,

Interpre-
tation

orders of the Minister made under clause 46 (1)(a) or zoning by-laws passed under section 34.

Entry and
inspection

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 45, an order of the Minister made under clause 46 (1)(a) or a by-law passed under section 34 or 37 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring.

Where
warrant
under
R.S.O. 1980,
c. 400,
s. 142,
required

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

PART VI

SUBDIVISION OF LAND

Interpre-
tation

49.—(1) In this section and in section 52 “consent” means,

- (a) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;
- (b) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;
- (c) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes other than land situate within the Township of Pelee, in the County of Essex, a consent given by the council of the local municipality;
- (d) where the land is situate within a city that is within a territorial district, other than a city within a regional

or district municipality, a consent given by the council of the city; or

- (e) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, or where land is situate in the Township of Pelee, in the County of Essex, a consent given by the Minister,

and a reference herein and in section 52 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4, 5 and 53.

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. Proviso

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless, Subdivision control

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (d) the land or any use of or right therein is being acquired for the purpose of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any

use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

- (e) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; or
- (f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

R.S.O. 1980,
c. 85

Designation
of plans of
subdivision
not deemed
registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Part-lot
control

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than

land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;

(b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;

(c) the land or any use of or right therein is being acquired for the purpose of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; R.S.O. 1980, c. 332

(d) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; R.S.O. 1980, c. 85

(e) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by a body that has vested in it the right to acquire land by expropriation; or

(f) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

(6) Despite subsections (3) and (5), where land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent given under clause (3) (f) or (5) (f), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed or otherwise dealt with, provided that the remaining part is conveyed or otherwise dealt with before the consent mentioned above lapses under subsection 52 (22). Conveyance of remaining part

Designation
of lands not
subject to
part-lot
control

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (24) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment.

Exception

(8) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

Part of
building or
structure

(9) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years.

Agreement
under
R.S.O. 1980,
c. 126, s. 2

(10) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.

Application
to ARDA

(11) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

Exception to
application of
subss. (3, 5)

(12) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 52, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

Reference to
stipulation

(13) Where the council or the Minister stipulates in accordance with subsection (12), the certificate provided for under subsection 52 (21) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation.

(14) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 52 or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Effect of
contra-
vention of
s. 49, etc.,
before plan
registered,
etc.
R.S.O. 1980,
c. 84

(15) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with but this subsection does not apply to simultaneous conveyances or other simultaneous dealings involving the same parties acting in their same respective capacities.

Simultaneous
conveyances,
etc., of
abutting
lands

(16) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Partial
discharges,
etc., effect of

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

Saving

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

Foreclosure or exercise of power of sale, when approval of Minister required

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

Release of interest by joint tenant or tenant in common

(19) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land.

Order made under R.S.O. 1980, c. 369

(20) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,

- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
- (b) a consent is given to the order.

Conveyance, etc., contrary to section not to create or convey interest in land

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condi-

tion contained therein that such agreement is to be effective only if the provisions of this section are complied with.

(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.

Copy of by-law to be lodged with Minister

(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.

When by-law effective

(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.

Registration of by-law

(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Notice

(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

Hearing by council

50.—(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

Application for approval of subdivision plan

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

What draft plan to indicate

- (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision

adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- (d) the purpose for which the lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister may
confer

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision.

What matters
to be
regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- (b) whether the proposed subdivision is premature or in the public interest;
 - (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
 - (d) the suitability of the land for the purposes for which it is to be subdivided;
 - (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
 - (f) the dimensions and shape of the lots;
 - (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
 - (h) conservation of natural resources and flood control;
 - (i) the adequacy of utilities and municipal services;
 - (j) the adequacy of school sites;
 - (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
 - (l) the physical layout of the plan having regard to energy conservation.
- (5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,
- Dedication of
land for park
and highway
purposes
- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall

be dedicated for park or other public recreational purposes;

- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Alternative
requirement

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

Cash
payment in
lieu of
conveyance

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land,

- (a) to the value of the land otherwise required to be conveyed; or
- (b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the

land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Valuation of
land

R.S.O. 1980,
c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time.

Use and sale
of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund.

Fund for
acquisition of
park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

Special
account

R.S.O. 1980,
c. 512

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Giving or
refusing of
approval by
Minister

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request

Reasons for
refusal

the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to
O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal
of approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions of such approval at any time prior to his approval of a final plan for registration.

When draft
plan
approved
R.S.O. 1980,
cc. 493, 445,
230

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

Approval
of plan by
Minister

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Withdrawal
of approval
of plan for
registration,

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates to be deposited and sent to Minister
R.S.O. 1980, cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Saving

51.—(1) No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 50.

Sale of lands in accordance with unregistered plan prohibited

(2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

Interpretation

52.—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 49 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (22) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Consent

(2) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed and a council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 50 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 50 (5), and subsections 50 (6), (7), (8), (9), (10) and (12) apply with necessary modifications.

Rules to be complied with and matters to be regarded

(3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the pay-

Conveyance of land for park purposes

ment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring
with
agencies, etc.

(4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of
decision

(5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem

(6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

Appeal to
O.M.B.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

Idem

(8) Where the applicant, the Minister or any agency or other person to whom notice of the decision was sent, is not satisfied as to the conditions or any of the conditions imposed by a council, he or it may within thirty days of the making of the decision appeal in respect of the conditions or any of the conditions by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal specifying the condition or conditions appealed and setting out written reasons in support of the appeal, accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

Idem

(9) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) or (8) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) or (8) to the Municipal Board by registered mail

together with all papers and documents filed with the council relating to the matter appealed from and such other documents and papers as may be required by the Board.

(10) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (11) to (19), give, or refuse to give, the consent.

Minister may confer with officials, etc.

(11) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent.

Conditions

(12) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused.

Reasons for refusal to give consent

(13) At any time before written notice is given to an applicant under subsection (11) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the Municipal Board unless, in the opinion of the Minister, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent.

Referral to O.M.B.

(14) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister.

Idem

(15) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (13) or where conditions are appealed or referred to the Board under subsection (8) or (14), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine.

Hearing by O.M.B.

Dismissal of
appeal
without
hearing

(16) Despite subsection (15), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) or (8) are insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(17) Following the hearing on an appeal under subsection (7) or a referral under subsection (13), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (8) or (14) the Board shall determine the question as to the condition or conditions referred to it.

Where
consent to be
given

(18) Where under subsection (17) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Idem

(19) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) or (8) and no referral under subsection (13) or (14), the consent shall be given, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where
conditions
not fulfilled

(20) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (11), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Certificate
that consent
given

(21) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 53 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

(22) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (21) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

When consent lapses

(23) Where a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents any reference in this section to “the clerk of the municipality” shall be deemed to be a reference to the secretary-treasurer of such land division committee or committee of adjustment.

Reference to clerk deemed reference to secretary-treasurer

53.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 52 in respect of land situate in the local or area municipality.

Delegation of authority to give consents to constituent municipality

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Further delegation

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Withdrawal of delegated powers

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Delegation to committee of council, etc.

(5) The council of a city that is not situate within a regional municipality or that is not situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 52 or any part of such

Idem

authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Committee
of
adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications and the provisions of subsections 44 (4) to (20) do not apply, in the exercise of that authority.

Conditions,
withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land
division
committee,
delegation

54.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 52 in respect of such lands situate in a territorial district as are defined in the order.

Conditions
and
withdrawal of
delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of s. 43

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 43 (5), (6), (7), (8), (10) and (11) apply with necessary modifications.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 50 (6) apply with necessary modifications to any such agreement.

Remuner-
ation

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

55.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Land division committee

(2) The provisions of subsections 43 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

Application of s. 43 (2-11)

56.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1)(b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister.

Effect of contravention of R.S.O. 1970, c. 349, s. 29, etc., on conveyances made prior to March 19, 1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Conditions

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 52.

Proviso

PART VII

GENERAL

Application
of R.S.O.
1980, c. 302,
to acquisition
of land

57. The provisions of the *Municipal Act* apply to the acquisition of land under this Act.

Power to
clear, grade,
etc., lands
acquired

58. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of
lands

59. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Fair hearing

60. Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function.

Application
of Act to
Ontario
Hydro

61.—(1) Except as provided in sections 3, 6 and 47 and subsection (2) of this section, this Act does not affect Ontario Hydro.

Idem

(2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and, unless approved under the *Environmental Assessment Act*, any other undertaking of Ontario Hydro, are subject to this Act.

R.S.O. 1980,
c. 140

Effect of
approval or
consent of
O.M.B.

62.—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed
compliance
with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-
application of
R.S.O. 1980,
c. 347, s. 94

63. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

64. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Resumption
by Minister
of matters
referred to
O.M.B.

65. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council, as the case may be.

Effect of
approval or
consent
under
delegated
authority

66.—(1) Every person who contravenes section 40, 45 or 51 or who contravenes a by-law passed under section 34 or 37 or an order made under section 46 is guilty of an offence and on conviction is liable,

Penalty

- (a) on a first conviction to a fine of not more than \$20,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

Corporation

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Order of
prohibition

Saving
R.S.O. 1980,
c. 31, s. 57

67.—(1) Despite section 57 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any employee of a municipality who declares that such information is required in the course of his planning duties.

Offence

(2) An employee of a municipality who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Exception

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration.

Tariff of fees

68.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction or
waiver of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

Payment
under
protest:
appeal to
O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

69. The Lieutenant Governor in Council may make regulations.

- (a) prescribing for the purposes of subsection 17 (2), 28 (4) or 34 (12), the persons that are to be given notice and the manner in which notice is to be given;
- (b) prescribing for the purposes of subsection 34 (17), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (c) prescribing for the purposes of subsection 35(4), 37 (3) or 44 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (d) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;
- (e) prescribing for the purposes of subsection 43 (11), rules of procedure for committees of adjustment;
- (f) prescribing for the purposes of subsection 52 (2), rules of procedure for councils and delegates thereof;
- (g) prescribing rules of procedure for district land division committees constituted under section 54;
- (h) prescribing agencies or persons for the purposes of subsection 52 (4); and
- (i) prescribing for the purposes of subsection 44 (11), the additional information and material required to be sent to the Minister.

70. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. Conflict

71.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act. Official plans remain in effect

(2) Unless continued in force by an order made by the Minister under subsection (3), every official plan of a joint planning area, other than an official plan that was adopted by the council of a county and other than an official plan of a joint planning area in a territorial district, that is in effect immediately before Repeal of joint official plans

the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed.

Continuation
of joint
official plans

(3) The Minister may by order provide for the remaining in force of any joint official plan or part or parts thereof that would otherwise be deemed to be repealed under subsection (2) and in such order may make such provision for the effectual continuation of such plan or the part or parts thereof as he considers necessary, including provision for the allocation of the plan or part or parts thereof to any local municipality or county situate wholly or partly within the area to which the plan applies.

Amendment
or repeal

(4) At any time during the two year period mentioned in subsection (2), the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

Planning
areas and
boards
dissolved

72.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas together with the planning boards thereof are dissolved.

Assets and
liabilities

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof.

Planning
areas that are
continued

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister.

Planning
boards that
are continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.

Members of
planning
boards that
remain in
office

73.—(1) The *Planning Act*, except section 40, being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

(2) Section 40 of the said Act is repealed.

Idem

74.—(1) In this section, “former Act” means the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980.

Interpre-
tation

(2) Despite section 73, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act.

Matters, etc.,
continued
under
R.S.O. 1980,
c. 379

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,

When
matters, etc.,
deemed
commenced

- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
- (b) a request under subsection 17 (3) of the former Act, on the day the request is made;
- (c) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
- (d) subdivision of land under section 36 of the former Act, on the day the application is made under subsection (1) of that section;
- (e) a zoning by-law or an amendment thereto, on the day the by-law is passed;
- (f) an application under subsection 39 (23) of the former Act, on the day the application is made;
- (g) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;

- (h) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
- (i) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

Commence-
ment

75. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

76. The short title of this Act is the *Planning Act, 1983*.

CHAPTER 2

An Act to amend the Pension Benefits Act

Assented to January 27th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clauses: s. 1 (1),
amended

(a) “assets”, when used in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer;

.

(ab) “current service cost” means the amount of money that the employer of employees, who are members of a pension plan, is required by the plan, this Act and the regulations to pay into the plan in a fiscal year of the plan to cover the cost of benefits accrued during the fiscal year.

2. Subsection 21 (2) of the said Act is repealed and the following substituted therefor: s. 21 (2),
re-enacted

(2) Upon the termination or winding up of a registered pension plan, the employer of employees covered by the pension plan shall pay to the administrator, insurer or trustee of the pension plan, Termination
or
winding up

- (a) an amount equal to,
 - (i) the current service cost, and
 - (ii) the special payments prescribed by the regulations,

that have accrued to and including the date of the termination or winding up but, under the terms of the pension plan or the regulations, are not due on that date; and

- (b) all other payments that, by the terms of the pension plan or the regulations, are due from the employer to the pension plan but have not been paid at the date of the termination or winding up.

Accrual

(2a) For the purposes of clause (2) (a), the current service cost and special payments shall be deemed to accrue on a daily basis.

s. 23,
re-enacted

3. Section 23 of the said Act is repealed and the following substituted therefor:

Trust money
for employee

23.—(1) Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension plan as the employee's contribution to the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension plan.

Money
deemed
to be
received

(2) For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be money received by the employer from the employee.

Employee's
lien

(3) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (1).

Trust money
for plan
members

(4) An employer who is required by a pension plan to contribute to the pension plan shall be deemed to hold in trust for the members of the pension plan an amount of money equal to the total of,

- (a) all moneys that the employer is required to pay into the pension plan to meet,
 - (i) the current service cost, and
 - (ii) the special payments prescribed by the regulations,

that are due under the pension plan or the regulations and have not been paid into the pension plan; and

- (b) where the pension plan is terminated or wound up, any other money that the employer is liable to pay under clause 21 (2) (a).

(5) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (4).

Members' lien

(6) Subsections (1) and (4) apply whether or not the moneys mentioned in those subsections are kept separate and apart from other money.

Application of subss. (1, 4)

4.—(1) Clauses 26 (1) (d) and (e) of the said Act are repealed and the following substituted therefor:

s. 26 (1) (d, e), re-enacted

- (d) subject to the regulations, to transfer his pension benefit credit to a pension plan of his new employer if the transfer is accepted by the pension plan of his new employer; or
- (e) subject to the regulations, to transfer his pension benefit credit to a registered retirement savings plan as defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

(2) Subsection 26 (4) of the said Act is repealed and the following substituted therefor:

s. 26 (4), re-enacted

(4) The administrator of the pension plan that is wound up, in whole or in part, shall give notice to each employee to whom subsection (1) applies that the employee has the right to make an election under subsection (1).

Notice of right to elect

(4a) Where there is no administrator of the pension plan, the employer of an employee to whom subsection (1) applies shall give to the employee the notice mentioned in subsection (4).

Where no administrator

(4b) An employee to whom subsection (1) applies who does not make an election within three months after having been given the notice mentioned in subsection (4) shall be deemed to have elected,

Employee deemed to elect

- (a) under clause (1) (a) to receive an immediate pension benefit; or
- (b) if the employee is not eligible under the pension plan to receive an immediate pension benefit, under clause (1) (b) to receive a pension benefit commenc-

ing at whichever age mentioned in the clause comes first.

Deemed
election
final

(4c) An employee who, under subsection (4b), is deemed to have made an election does not have and shall not be deemed to have the right to make any other election under subsection (1).

s. 26 (6),
re-enacted

(3) Subsection 26 (6) of the said Act is repealed and the following substituted therefor:

Notice
period

(6) For the purposes of determining eligibility for and the amount of a pension benefit referred to in subsection (1), the period of time that an employee has been in the service of his employer or has been a member of the pension plan, as the case may be, includes the period of the notice required under Part XII of the *Employment Standards Act* to terminate the employment of the employee.

R.S.O. 1980,
c. 137

Application
of
subs. (6)

(7) Subsection (6) does not apply for the purpose of calculating the amount of a pension benefit of an employee who is required by the pension plan to make contributions to the pension plan and has not done so for the period of the notice required to terminate the employment of the employee under Part XII of the *Employment Standards Act*.

s. 27 (2),
re-enacted

5.—(1) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Application
of
subs. (1)

(2) Notwithstanding subsection (1), where a person is receiving payment under a pension plan to satisfy the payment of pension benefits to which the person is entitled, the payment is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice of
enforcement

(3) Subsection (2) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order.

Application
of
s. 27 (2)

(2) Subsection 27 (2) of the said Act, as re-enacted by subsection (1) of this section, applies to orders for support or maintenance enforceable in Ontario whether made before or after this section comes into force.

s. 30 (2),
amended

6. Subsection 30 (2) of the said Act is amended by inserting after “in” in the fourth line “this Act and”.

s. 31 (1) (d),
re-enacted

7. Clause 31 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) the value of the contributions an employee was required to make and has made to the defined benefit pension plan in respect of service in Ontario, to the extent that the value of the contributions exceeds the value of the pension benefit credit of the employee, including the value of the pension benefit of the employee guaranteed under clause (a) or (c), plus the value of any voluntary additional contributions made by the employee to the defined benefit pension plan while the employee was employed in Ontario.

8. Sections 32 and 33 of the said Act are repealed and the following substituted therefor: ss. 32, 33, re-enacted

32.—(1) The employer of employees who are members of a defined benefit pension plan that the employer is bound by or to which the employer is a party and that is partly or wholly woundup shall pay to the administrator, insurer or trustee of the plan an amount of money equal to the amount by which the value of the pension benefits guaranteed by section 31 plus the value of the pension benefits vested under the defined benefit pension plan exceeds the value of the assets of the plan allocated in accordance with the regulations for payment of pension benefits accrued with respect to service in Ontario. Payment by employer to defined benefit pension plan

(2) The amount that the employer is required to pay under subsection (1) is in addition to the amounts that the employer is liable to pay under subsection 21 (2). Payment additional to other amounts

(3) The employer shall pay the amount required under subsection (1) to the administrator, insurer or trustee of the defined benefit pension plan in the manner prescribed by the regulations. Manner of payment

33.—(1) The Commission has a lien and charge upon the assets of the employer of employees who are members of a defined benefit pension plan in respect of which the Commission pays money out of the Fund. Lien for payment out of Fund

(2) The lien and charge under subsection (1) is in an amount equal to the amount of the payment out of the Fund plus interest calculated at the rate and in the manner prescribed by the regulations. Amount of lien

(3) The lien and charge under subsection (1) does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office and the Commission may so register notice of the lien and charge. Notice of lien

s. 38 (1),
amended

9.—(1) Subsection 38 (1) of the said Act is amended by adding thereto the following clause:

(aa) prescribing any matter referred to in this Act as prescribed by the regulations.

s. 38 (1) (b)
(xiv),
amended

(2) Subclause 38 (1) (b) (xiv) of the said Act is amended by adding at the end thereof “and prescribing conditions to which any such variance shall be subject”.

s. 38 (1),
amended

(3) The said subsection 38 (1) is further amended by adding thereto the following clause:

(ga) where the Minister is satisfied that it is in the best interest of the members of the pension plan and in the public interest, designating employees or pension plans, or any class thereof, that are excepted from the application of any provision of this Act or the regulations.

s. 38a,
enacted

10. The said Act is amended by adding thereto the following section:

Service

38a.—(1) Any notice or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is to be given, served or delivered at his last known address.

When service
deemed
made

(2) A notice or other document sent by registered mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Pension Benefits Amendment Act, 1983*.

CHAPTER 3

An Act to amend the Judicature Act

Assented to January 27th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 130 (3) of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding thereto the following clause:

s. 130 (3),
amended

(c) courts sitting in any designated place,

.

(2) Subsection 130 (8) of the said Act is amended by striking out “in a designated county or district” in the second line and inserting in lieu thereof “that is a designated court”.

s. 130 (8),
amended

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Judicature Amendment Act, 1983*.

Short title

CHAPTER 4

An Act to amend the Regional Municipality of Waterloo Act

Assented to January 27th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 177,
enacted

177.—(1) In this section, “public historical museum” includes Doon Pioneer Village and Heritage Community. Interpre-
tation

(2) The Regional Corporation may acquire, erect, alter, maintain, operate and manage public historical museums and, without limiting the generality of the foregoing, the Regional Corporation may, Public
historical
museums

- (a) prescribe admission fees to any such public historical museum;
- (b) receive donations of money by gift, subscription, grant, bequest or otherwise for the purposes of such public historical museums;
- (c) receive or acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical interest;
- (d) enter into agreements with prospective donors, subject to any conditions governing the use of the donation;
- (e) subject to the terms of any trust in connection with such property, dispose of property received or acquired for any such public historical museum by sale, lease or any other manner and execute such deeds or

other instruments as may be required to effect such disposal; and

- (f) act as trustee with respect to real or personal property donated to any such public historical museum or donated to the Regional Corporation for the purposes of any such public historical museum.

Doon
Pioneer
Village and
Heritage
Community

(3) On the 1st day of March, 1983,

- (a) the lands and premises vested in the Grand River Conservation Authority and known as Doon Pioneer Village and Heritage Community, as more particularly described in the following Schedule;
- (b) all personal property including furnishings, artifacts and equipment of the Grand River Conservation Authority and the Ontario Pioneer Community Foundation located at and received or acquired for the Doon Pioneer Village and Heritage Community; and
- (c) all property held in trust by the Ontario Pioneer Community Foundation,

subject to any trust or lien or other encumbrance affecting any such property, vests in the Regional Corporation, without compensation, and all rights, duties and interests and all debts and liabilities of the Grand River Conservation Authority and the Ontario Pioneer Community Foundation related to the Doon Pioneer Village and Heritage Community become, on that day, rights, duties, interests, debts and liabilities of the Regional Corporation.

SCHEDULE

That parcel of land situate in the City of Kitchener, in The Regional Municipality of Waterloo, being composed of those parts of Bechtel's Tract and Biehn's Tract, formerly in the Township of Waterloo, being Lot 8 as shown on a Plan registered in the Land Registry Office for the Land Registry Division of Waterloo North (No. 58) as Registrar's Compiled Plan Number 1521.

References
to Ontario
Pioneer
Community
Foundation

(4) A reference to the Ontario Pioneer Community Foundation in any deed, will or other instrument, giving or conveying property to the Foundation, whether executed before or after the 1st day of March, 1983, shall be deemed to be a reference to the Regional Corporation.

Application
of property

(5) No property received by the Regional Corporation for the purpose of a public historical museum shall be used for any

other purpose of the Regional Corporation and where the Regional Corporation disposes of any property under clause (2) (e), it shall use any money or other property received as a result of the disposition for the purposes of its public historical museums.

(6) Where, after the 1st day of March, 1983, the Grand River Conservation Authority or the Ontario Pioneer Community Foundation receives any property for the purpose of the Doon Pioneer Village and Heritage Community, the Authority or the Foundation, as the case may be, shall forthwith deliver the property to the Regional Corporation.

Delivery of
after-
acquired
property

(7) Subsection (3) does not apply to the funds of the Ontario Pioneer Community Foundation unless the funds are held in trust by the Foundation.

Saving

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Regional Municipality of Waterloo Amendment Act, 1983*.

Short title

CHAPTER 5

An Act to amend certain Acts in
respect of Planning and related Matters

Assented to January 27th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) Paragraphs 141, 142, 143 and 144 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 302, s. 210,
pars. 141-
144, re-
enacted;
pars. 144a,
144b, enacted

141. For prohibiting or regulating signs and other advertising
devices or any class or classes thereof and the posting of notices
on buildings or vacant lots within any defined area or areas or
on land abutting on any defined highway or part of a highway.

Signs

142. A by-law passed under paragraph 141 may specify a
time period during which signs or other advertising devices in a
defined class may stand or be displayed in the municipality and
may require the removal of such signs or other advertising de-
vices which continue to stand or be displayed after such time
period has expired.

Temporary
signs

143. A by-law passed under paragraph 141 may require the
production of the plans of all signs or other advertising devices
to be erected, displayed, altered or repaired and provide for
the charging of fees for the inspection and approval of such
plans and for the fixing of the amount of such fees and for the
issuing of a permit certifying to such approval and may prohibit
the erection, display, alteration or repair of any sign or adver-
tising device where a permit has not been obtained therefor and
may authorize the refusal of a permit for any sign or other ad-
vertising device that if erected or displayed would be contrary
to the provisions of any by-law of the municipality.

Production of
plans

- (a) A change in the message displayed by a sign or other
advertising device does not in itself constitute an al-
teration.

Pulling
down, etc.,
of signs
unlawfully
erected

144. A by-law passed under paragraph 141 may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who,

- (a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
- (b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

Notice

144a. Before passing a by-law under paragraph 141,

- (a) notice of the proposed by-law and notice of the council meeting at which the proposed by-law is to be discussed shall be published once at least fourteen days prior to the council meeting indicated in the notice and in the case of a municipality where there is no newspaper having general circulation in the municipality, shall be posted in a conspicuous place in the municipality for at least fourteen days prior to the council meeting indicated in the notice; and
- (b) the council shall hear any person who before the council meeting indicated in the notice applies to be heard.

Minor
variances

144b. The council may, upon the application of any person, authorize minor variances from the provisions of a by-law passed under paragraph 141, provided that in the opinion of the council the general intent and purpose of the by-law are maintained.

Saving

R.S.O. 1980,
c. 302

(2) No by-law passed under paragraph 141 of section 210 of the *Municipal Act*, as it existed on the day before the day this section comes into force, that prohibits or regulates signs or other advertising devices, applies so as to require a sign or advertising device that is lawfully erected or displayed on the day this section comes into force, but that does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or the owner of the land on which it is situate, so long as the sign or advertising device is not in any way substan-

tially altered, provided that the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not to in itself constitute an alteration.

(3) No by-law passed under paragraph 141 of section 210 of the *Municipal Act*, as re-enacted by subsection 1 (1) of this Act, that prohibits or regulates signs or other advertising devices, applies to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force, so long as the sign or advertising device is not in any way substantially altered, provided that the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not to in itself constitute an alteration.

Non-appli-
cation to
lawfully
erected signs,
etc.
R.S.O. 1980,
c. 302

(4) Section 210 of the said Act is amended by adding thereto the following paragraphs:

Idem, s. 210,
amended

162. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all such buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

Size and
strength of
walls, etc.,
and
production of
plans

163. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels.

Ascertaining
levels of
cellars, etc.

164. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

Establishing
grades of
streets and
levels of
basements

Regulation,
etc., of
heating plant
and
equipment
R.S.O. 1980,
c. 46

165. For regulating, controlling and inspecting, subject to the *Boilers and Pressure Vessels Act*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Regulating
removal and
wrecking of
buildings and
structures

166. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

Production of
plans of
public
buildings,
etc.

R.S.O. 1980,
c. 51

167. For requiring the production of the plans of hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement or for public meetings now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of any regulation under the *Building Code Act* is complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

Owner's
liability to
repair land in
front of
commercial
buildings

168. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line that is used by the public as part of the sidewalk on such street.

Repairs to
existing
buildings

169. For regulating the repairing or alteration of roofs or the external walls of existing buildings so that the buildings may be as nearly as practicable fire-proof.

Pulling
down, etc.,
of buildings
illegally
erected

170. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling down
buildings in
ruinous state

171. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

172. For regulating the construction of cellars, sinks, cess-pools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

Construction
of cellars,
drains, etc.

173. For requiring,

Control of
termites

- i. any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects,
- ii. the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects,
- iii. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects,
- iv. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building which is or may become a hazard of infestation or re-infestation to a building or structure of any class or classes thereof rendered resistant to infestation under subparagraph i or repaired under subparagraph ii.

174. For providing for the payment by the municipality of not more than one-half of the cost,

Cost of
control of
termites and
repairs

- i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects, and
- ii. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infesta-

tion, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

- (a) The amount of any loan made under a by-law passed under this paragraph, or a predecessor hereof, together with interest at a rate to be determined by council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.
- (b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, or a predecessor hereof, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper land registry office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto.

Idem, ss.
210a-210c,
enacted

(5) The said Act is amended by adding thereto the following sections:

Township
by-laws

210a. A by-law passed by the council of a township under any of paragraphs 162 to 174 of section 210 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

Building
inspector

210b. The council of a county, including the County of Oxford, or a regional or district municipality may enter into an agreement with one or more local municipalities for the appointment by the county, regional or district council of a building inspector for the administration of by-laws passed under paragraphs 162 to 174 of section 210 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector.

Deemed
county for
purposes of
R.S.O. 1980,
c. 51

210c. The County of Oxford, The District Municipality of Muskoka and every regional municipality, except The Regional Municipality of Sudbury and The Regional Municipality of Haldimand-Norfolk, shall be deemed to be a county for the purposes of the *Building Code Act*.

2. Sections 96, 97, 98, 99 and 100 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 439, s. 96, re-enacted; ss. 97-100, repealed

96. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official plan for Regional Area

3. Sections 100, 101, 102 and 103 of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 438, s. 100, re-enacted; ss. 101-103, repealed

100. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official plan for Regional Area

4. Sections 96, 97, 98 and 99 of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 443, s. 96, re-enacted; ss. 97-99, repealed

96. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area.

Official plan

5. Section 27 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

R.S.O. 1980, c. 441, s. 27, re-enacted

27.—(1) In addition to the powers given to the Regional Council under the *Planning Act*, 1983, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality shall exercise any powers under the *Planning Act*, 1983.

Powers of Regional Council under 1983, c. 1

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers.

Powers of Regional Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*.

Deemed municipality for purposes of R.S.O. 1980, c. 51

(4) Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the

Collection of costs under R.S.O. 1980, c. 51

collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

By-laws
under
R.S.O. 1970,
c. 349,
continued

(5) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council.

Official
plan for
Regional
Area

(6) The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 442, s. 95,
re-enacted;
ss. 96, 97,
repealed

6. Sections 95, 96 and 97 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

95. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 440, s. 59,
re-enacted;
ss. 60, 61,
repealed

7. Sections 59, 60 and 61 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan

59. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area.

R.S.O. 1980,
c. 436, s. 64,
re-enacted;
ss. 65, 66,
repealed

8. Sections 64, 65 and 66 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

64. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 437, s. 75,
re-enacted;
ss. 76, 77,
repealed

9. Sections 75, 76 and 77 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

75. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

10. Sections 68, 69, 70, 71 and 72 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 434,
ss. 68, 69, 70,
re-enacted;
ss. 71, 72,
repealed

68. All official plans in effect in any part of the Regional Area, on and after the 1st day of January, 1974, remain in effect as official plans but shall be amended forthwith to conform with the official plan adopted by the Regional Council and approved by the Minister.

Official
plans
preserved

69.—(1) Every council of an area municipality shall, at the request of the Regional Council, prepare a plan for the area municipality and forward it to the Regional Council.

Area
municipality
plans

(2) The Regional Council shall, in respect of plans submitted to it under subsection (1),

Powers of
Regional
Council
re plans

(a) adopt the plan as submitted, with or without amendment by the Regional Council, and forward it to the Minister of Municipal Affairs and Housing for approval as an official plan; or

(b) reject the plan.

70. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official
plan for
Regional
Area

11. Sections 51, 52, 53, 54 and 55 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 435,
ss. 51-55,
re-enacted

51.—(1) In addition to the powers given to the Regional Council under the *Planning Act*, 1983, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act*, 1983.

Powers of
Regional
Council
under
1983, c. 1

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers.

Powers of
Regional
Council
under
R.S.O. 1980,
c. 302, s. 210,
pars. 162-174

Deemed
municipality
for purposes
of R.S.O.
1980, c. 51

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*.

By-laws
under
R.S.O. 1970,
c. 349,
continued

(4) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council.

Collection of
costs under
R.S.O. 1980,
c. 51

52. Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate, and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

Delegation
of powers
to area
municipi-
palities

53. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43 and 44 of the *Planning Act, 1983* as the Regional Council may determine.

1983, c. 1

Area
municipality
plans

54. Every council of an area municipality shall, at the request of the Regional Council, prepare and adopt an official plan for the area municipality.

Official
plan for
Regional
Area

55. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 121,
ss. 51, 52,
re-enacted;
s. 53,
repealed

12. Sections 51, 52 and 53 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plans

51. No area municipality shall exercise any power with respect to the preparation and lodging of official plans under Part III of the *Planning Act, 1983*.

Official
plan for
District
Area

52. The District Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the District Area.

13. Sections 62, 63 and 64 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 365, ss. 62, 63, re-enacted; s. 64, repealed

62.—(1) The County Council may exercise all the powers, including the powers of a local municipality, under the *Planning Act, 1983* and no area municipality shall, except as provided in subsections (2), (3) and (4), exercise any powers under the *Planning Act, 1983*.

Powers of County Council under 1983, c. 1

(2) The council of each area municipality is deemed to be a committee of adjustment under the *Planning Act, 1983*.

Committee of adjustment

(3) The council of an area municipality may exercise the powers provided in section 28, except subsection (11) thereof, sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45 and 68 of the *Planning Act, 1983*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Powers of area municipality councils under 1983, c. 1

(4) The County Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act*, and in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Powers of County Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements.

Subdivision agreements

(6) All official plans in effect in the County on the 31st day of December, 1974 are deemed to be the official plans of the County until such time as they are repealed in whole or in part.

Official plan continued

(7) Subsection 53 (1) of the *Planning Act, 1983* has no application to the County and the County Council may be or may constitute and appoint a land division committee for the purposes of giving consents under the *Planning Act, 1983*.

Appointment of land division committee

63. The County Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the County.

Official plan for County

R.S.O. 1980,
c. 314,
ss. 200, 201,
re-enacted;
ss. 202-205,
repealed

14. Sections 200, 201, 202, 203, 204 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Delegation
to
Executive
Committee
1983, c. 1

200.—(1) Notwithstanding section 5 of the *Planning Act*, 1983, where the Minister has by order made under subsection 4 (1) of the *Planning Act*, 1983 delegated to the Metropolitan Council the Minister's authority to approve an official plan or amendments thereto of an area municipality, the Metropolitan Council may by by-law and subject to such conditions as may have been imposed by the Minister, delegate such authority to the Executive Committee for the period of any summer recess of the Metropolitan Council and upon such terms and conditions as the by-law specifies and the Executive Committee has, in lieu of the Minister, all powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Report to
Metropolitan
Council

(2) The Executive Committee shall report each decision made under any by-law passed under subsection (1) to the Metropolitan Council at the next regular meeting of the Metropolitan Council.

Official
plan for
Metropolitan
Area

201. The Metropolitan Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Metropolitan Area.

Rights
vested

15. A benefit, right or status conferred upon a person by sections 204 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as those sections were on the day immediately prior to the coming into force of this Act is vested in the person notwithstanding section 14.

Commence-
ment

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Planning Statute Law Amendment Act*, 1983.

CHAPTER 6

An Act to revise the Mechanics' Lien Act

Assented to January 27th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

1. “action” means an action under Part VIII;
2. “construction trade newspaper” means a newspaper having circulation generally throughout Ontario, that is published no less frequently than on all days except Saturdays and holidays, and in which calls for tender on construction contracts are customarily published, and that is primarily devoted to the publication of matters of concern to the construction industry;
3. “contract” means the contract between the owner and the contractor, and includes any amendment to that contract;
4. “contractor” means a person contracting with or employed directly by the owner or his agent to supply services or materials to an improvement;
5. “court” means the Supreme Court of Ontario;
6. “Crown” includes a Crown agency to which the *Crown Agency Act* applies;
7. “holdback” means the 10 per cent of the value of the services or materials supplied under a contract or subcontract required to be withheld from payment by Part IV;
8. “improvement” means,
 - i. any alteration, addition or repair to, or

R.S.O. 1980,
c. 106

- ii. any construction, erection or installation on,

any land, and includes the demolition or removal of any building, structure or works or part thereof, and “improved” has a corresponding meaning;
- 9. “interest in the premises” means an estate or interest of any nature, and includes a statutory right given or reserved to the Crown to enter any lands or premises belonging to any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any lands or premises;
- 10. “land” includes any building, structure or works affixed to the land, or an appurtenance to any of them, but does not include the improvement;
- 11. “lien claimant” means a person having a preserved or perfected lien;
- 12. “materials” means every kind of movable property,
 - i. that becomes, or is intended to become, part of the improvement, or that is used directly in the making of the improvement, or that is used to facilitate directly the making of the improvement,
 - ii. that is equipment rented without an operator for use in the making of the improvement;
- 13. “mortgage” includes a charge and “mortgagee” includes a chargee;
- 14. “municipality” means a municipality as defined in the *Municipal Affairs Act* or a metropolitan, regional or district municipality, or a local board thereof;
- 15. “owner” means any person, including the Crown, having an interest in a premises at whose request and,
 - i. upon whose credit, or
 - ii. on whose behalf, or
 - iii. with whose privity or consent, or
 - iv. for whose direct benefit,

an improvement is made to the premises;

16. “payer” means the owner, contractor or subcontractor who is liable to pay for the materials or services supplied to an improvement under a contract or subcontract;
17. “payment certifier” means an architect, engineer or any other person upon whose certificate payments are made under a contract or subcontract;
18. “person having a lien” includes both a lien claimant and a person with an unpreserved lien;
19. “premises” includes,
 - i. the improvement,
 - ii. all materials supplied to the improvement, and
 - iii. the land occupied by the improvement, or enjoyed therewith, or the land upon or in respect of which the improvement was done or made;
20. “price” means the contract or subcontract price,
 - i. agreed upon between the parties, or
 - ii. where no specific price has been agreed upon between them, the actual value of the services or materials that have been supplied to the improvement under the contract or subcontract;
21. “services or materials” includes both services and materials;
22. “subcontract” means any agreement between the contractor and a subcontractor, or between two or more subcontractors, relating to the supply of services or materials to the improvement and includes any amendment to that agreement;
23. “subcontractor” means a person not contracting with or employed directly by the owner or his agent but who supplies services or materials to the improvement under an agreement with the contractor or under him with another subcontractor;
24. “suffers damages as a result” means suffers damages that could be reasonably foreseen to result;

25. “supply of services” means any work done or service performed upon or in respect of an improvement, and includes,

i. the rental of equipment with an operator, and

ii. where the making of the planned improvement is not commenced, the supply of a design, plan, drawing or specification that in itself enhances the value of the owner’s interest in the land,

and a corresponding expression has a corresponding meaning;

26. “wages” means the money earned by a worker for work done by time or as piece work, and includes all monetary supplementary benefits, whether provided for by statute, contract or collective bargaining agreement;

27. “worker” means a person employed for wages in any kind of labour;

28. “workers’ trust fund” means any trust fund maintained in whole or in part on behalf of any worker on an improvement and into which any monetary supplementary benefit is payable as wages for work done by the worker in respect of the improvement;

29. “written notice of a lien” includes a claim for lien and any written notice given by a lien claimant that,

i. identifies his payer and identifies the premises, and

ii. states the amount that he has not been paid and is owed to him by his payer.

When
materials
supplied

(2) For the purposes of this Act, materials are supplied to an improvement when they are,

(a) placed on the land on which the improvement is being made;

(b) placed upon land designated by the owner or his agent that is in the immediate vicinity of the premises, but placing materials on the land so designated does not, of itself, make that land subject to a lien; or

- (c) in any event, incorporated into or used in making or facilitating directly the making of the improvement.

(3) A contractor or subcontractor to whom materials are supplied and who designates land under clause (2) (b) is deemed to be the owner's agent for that purpose, unless the person supplying the materials has actual notice to the contrary. Idem

2.—(1) For the purposes of this Act, a contract is substantially performed, When contract substantially performed

- (a) when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purposes intended; and
- (b) when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,
 - (i) 3 per cent of the first \$500,000 of the contract price,
 - (ii) 2 per cent of the next \$500,000 of the contract price, and
 - (iii) 1 per cent of the balance of the contract price.

(2) For the purposes of this Act, where the improvement or a substantial part thereof is ready for use or is being used for the purposes intended and the remainder of the improvement cannot be completed expeditiously for reasons beyond the control of the contractor or, where the owner and the contractor agree not to complete the improvement expeditiously, the price of the services or materials remaining to be supplied and required to complete the improvement shall be deducted from the contract price in determining substantial performance. Idem

(3) For the purposes of this Act, a contract shall be deemed to be completed and services or materials shall be deemed to be last supplied to the improvement when the price of completion, correction of a known defect or last supply is not more than the lesser of, When contract deemed completed

- (a) 1 per cent of the contract price; and
- (b) \$1,000.

PART I

GENERAL

Act binds
Crown

R.S.O. 1980,
c. 290

3.—(1) Subject to section 16 (where lien does not attach to the premises), this Act binds the Crown but does not apply in respect of a contract as defined in the *Ministry of Transportation and Communications Creditors Payment Act*, and to which that Act applies.

Non-appli-
cation of
R.S.O. 1980,
c. 393, s. 7

(2) Section 7 of the *Proceedings Against the Crown Act* does not apply in respect of an action against the Crown under this Act.

Architect
does not have
lien

R.S.O. 1980,
c. 26

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* does not have a lien.

No waiver of
rights

4. An agreement by any person who supplies services or materials to an improvement that this Act does not apply to him or that the remedies provided by it are not available for his benefit is void.

Contracts to
conform

5. Every contract or subcontract related to an improvement is deemed to be amended in so far as is necessary to be in conformity with this Act.

Minor irregu-
larities

6. No certificate, declaration or claim for lien is invalidated by reason only of a failure to comply strictly with subsection 32 (2) or (5), subsection 33 (1) or subsection 34 (5), unless in the opinion of the court a person has been prejudiced thereby, and then only to the extent of the prejudice suffered.

PART II

TRUST PROVISIONS

Owner's
trust,
amounts
received for
financing a
trust

7.—(1) All amounts received by an owner, other than the Crown or a municipality, that are to be used in the financing of the improvement, including any amount that is to be used in the payment of the purchase price of the land and the payment of prior encumbrances, constitute, subject to the payment of the purchase price of the land and prior encumbrances, a trust fund for the benefit of the contractor.

Amounts
certified as
payable

(2) Where amounts become payable under a contract to a contractor by the owner on a certificate of a payment certifier, an amount that is equal to an amount so certified that is in the

owner's hands or received by him at any time thereafter constitutes a trust fund for the benefit of the contractor.

(3) Where the substantial performance of a contract has been certified, or has been declared by the court, an amount that is equal to the unpaid price of the substantially performed portion of the contract that is in the owner's hands or is received by him at any time thereafter constitutes a trust fund for the benefit of the contractor.

Where substantial performance certified

(4) The owner is the trustee of the trust fund created by subsection (1), (2) or (3), and he shall not appropriate or convert any part of a fund to his own use or to any use inconsistent with the trust until the contractor is paid all amounts related to the improvement owed to him by the owner.

Obligations as trustee

8.—(1) All amounts,

- (a) owing to a contractor or subcontractor, whether or not due or payable; or
- (b) received by a contractor or subcontractor,

Contractor's and sub-contractor's trust, amounts received a trust

on account of the contract or subcontract price of an improvement constitute a trust fund for the benefit of the subcontractors and other persons who have supplied services or materials to the improvement who are owed amounts by the contractor or subcontractor.

(2) The contractor or subcontractor is the trustee of the trust fund created by subsection (1) and he shall not appropriate or convert any part of the fund to his own use or to any use inconsistent with the trust until all subcontractors and other persons who supply services or materials to the improvement are paid all amounts related to the improvement owed to them by him.

Obligations as trustee

9.—(1) Where the owner's interest in a premises is sold by the owner, an amount equal to,

- (a) the value of the consideration received by the owner as a result of the sale,

Vendor's trust, amounts received a trust

less,

- (b) the reasonable expenses arising from the sale and the amount, if any, paid by the vendor to discharge any existing mortgage indebtedness on the premises,

constitutes a trust fund for the benefit of the contractor.

Obligations
as trustee

(2) The former owner is the trustee of the trust created by subsection (1), and he shall not appropriate or convert any part of the trust property to his own use or to any use inconsistent with the trust until the contractor is paid all amounts owed to him related to the improvement.

Payment
discharging
trust

10. Subject to Part IV (holdbacks), every payment by a trustee to a person he is liable to pay for services or materials supplied to the improvement discharges the trust of the trustee making the payment and his obligations and liability as trustee to all beneficiaries of the trust to the extent of the payment made by him.

Where trust
funds may be
reduced

11.—(1) Subject to Part IV, a trustee who pays in whole or in part for the supply of services or materials to an improvement out of money that is not subject to a trust under this Part may retain from trust funds an amount equal to that paid by him without being in breach of the trust.

Application
of trust funds
to discharge
loan

(2) Subject to Part IV, where a trustee pays in whole or in part for the supply of services or materials to an improvement out of money that is loaned to him, trust funds may be applied to discharge the loan to the extent that the lender's money was so used by the trustee, and the application of trust money does not constitute a breach of the trust.

Set-off by
trustee

12. Subject to Part IV, a trustee may, without being in breach of trust, retain from trust funds an amount that, as between himself and the person he is liable to pay under a contract or subcontract related to the improvement, is equal to the balance in the trustee's favour of all outstanding debts, claims or damages, whether or not related to the improvement.

Liability for
breach of
trust by
corporation

13.—(1) In addition to the persons who are otherwise liable in an action for breach of trust under this Part,

- (a) every director or officer of a corporation; and
- (b) any person, including an employee or agent of the corporation, who has effective control of a corporation or its relevant activities,

who assents to, or acquiesces in, conduct that he knows or reasonably ought to know amounts to breach of trust by the corporation is liable for the breach of trust.

(2) The question of whether a person has effective control of a corporation or its relevant activities is one of fact and in determining this the court may disregard the form of any transaction and the separate corporate existence of any participant.

Effective control of corporation

(3) Where more than one person is found liable or has admitted liability for a particular breach of trust under this Part, those persons are jointly and severally liable.

Joint and several liability

(4) A person who is found liable, or who has admitted liability, for a particular breach of a trust under this Part is entitled to recover contribution from any other person also liable for the breach in such amount as will result in equal contribution by all parties liable for the breach unless the court considers such apportionment would not be fair and, in that case, the court may direct such contribution or indemnity as the court considers appropriate in the circumstances.

Contribution

PART III

THE LIEN

14.—(1) A person who supplies services or materials to an improvement for an owner, contractor or subcontractor, has a lien upon the interest of the owner in the premises improved for the price of those services or materials.

Creation of lien

(2) No person is entitled to a lien for any interest on the amount owed to him in respect of the services or materials that have been supplied by him, but nothing in this subsection affects any right that he may otherwise have to recover that interest.

No lien for interest

15. A person’s lien arises and takes effect when he first supplies his services or materials to the improvement.

When lien arises

16.—(1) A lien does not attach to the interest of the Crown in a premises.

Interest of Crown

(2) Where an improvement is made to a premises in which the Crown has an interest, but the Crown is not an owner within the meaning of this Act, the lien may attach to the interest of any other person in that premises.

Interest of person other than Crown

(3) Where the Crown is the owner of a premises within the meaning of this Act, or where the premises is,

Where lien does not attach to premises

- (a) a public street or highway owned by a municipality;
- or

(b) a railway right-of-way,

the lien does not attach to the premises but constitutes a charge as provided in section 21, and the provisions of this Act shall have effect without requiring the registration of a claim for lien against the premises.

Limitation on
value of lien

17.—(1) The lien of a person is limited to the amount owing to him in relation to the improvement and, subject to Part IV (holdbacks), it is further limited to the least amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials giving rise to the lien.

Idem

(2) Subject to Part IV, the total value of the liens of all members of a class, as defined in section 81, is limited to the least amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials made by the members of the class.

Set-off

(3) Subject to Part IV, in determining the amount of a lien under subsection (1) or (2), there may be taken into account the amount that is, as between a payer and the person he is liable to pay, equal to the balance in the payer's favour of all outstanding debts, claims or damages, whether or not related to the improvement.

Public
highway,
liability of
municipality
re

(4) Despite subsection (1), where land is dedicated to a municipality as a public street or highway and an improvement is made to the land at the written request of, or under an agreement with, the municipality, but not at its expense, the municipality shall nevertheless, on default of payment by the proper payer, be liable to the value of the holdbacks under Part IV that would have been required were the improvement made at the expense of the municipality, and the procedure for making a claim under this subsection shall be the same as for enforcing a claim for lien against a municipality in respect of a public street or highway.

Joint or
common
interests

18. Where the interest of the owner in the premises is held jointly or in common with another person who knew or ought reasonably to have known of the making of the improvement, the joint or common interest in the premises of that person is also subject to the lien unless the contractor receives actual notice, before the supply of services or materials to the improvement is commenced, that the person having the joint or common interest assumes no responsibility for the improvement to be made.

19.—(1) Where the interest of the owner to which the lien attaches is leasehold, the interest of the landlord shall also be subject to the lien to the same extent as the interest of the owner if the contractor gives the landlord written notice of the improvement to be made, unless the landlord, within fifteen days of receiving the notice from the contractor, gives the contractor written notice that the landlord assumes no responsibility for the improvement to be made.

Where owner's interest leasehold

(2) No forfeiture of a lease to, or termination of a lease by, a landlord, except for non-payment of rent, deprives any person having a lien against the leasehold of the benefit of his lien.

Forfeiture or termination of lease, effect of

(3) Where a landlord intends to enforce forfeiture or terminate a lease of the premises because of non-payment of rent, and there is a claim for lien registered against the premises in the proper land registry office, the landlord shall give notice in writing of his intention to enforce forfeiture or terminate the lease and of the amount of the unpaid rent to each person who has registered a claim for lien against the premises.

Notice to lien claimants

(4) A person receiving notice under subsection (3) may, within ten days thereafter, pay to the landlord the amount of the unpaid rent, and the amount so paid may be added by that person to his claim for lien.

Payment of unpaid rent

20. Where an owner enters into a single contract for improvements on more than one premises owned by him, any person supplying services or materials under that contract, or under a subcontract under that contract, may choose to have his lien follow the form of the contract and be a general lien against each of those premises for the price of all services and materials he supplied to all the premises.

General lien

21. The lien of a person is a charge upon the holdbacks required to be retained by Part IV, and subject to subsection 17 (3), any additional amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials giving rise to the lien.

Lien a charge

PART IV

HOLDBACKS

22.—(1) Each payer upon a contract or subcontract under which a lien may arise shall retain a holdback equal to 10 per cent of the price of the services or materials as they are actually supplied under the contract or subcontract until all liens

Basic holdback

that may be claimed against the holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44 (payment into court).

Separate
holdback for
finishing
work

(2) Where the contract has been certified or declared to be substantially performed but services or materials remain to be supplied to complete the contract, the payer upon the contract, or a subcontract, under which a lien may arise shall retain, from the date certified or declared to be the date of substantial performance of the contract, a separate holdback equal to 10 per cent of the price of the remaining services or materials as they are actually supplied under the contract or subcontract, until all liens that may be claimed against the holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

When
obligation to
retain applies

(3) The obligation to retain the holdbacks under subsections (1) and (2) applies irrespective of whether the contract or subcontract provides for partial payments or payment on completion.

Personal
liability of
owner

23.—(1) An owner is personally liable to those lien claimants who have valid liens against his interest in the premises to the extent of the holdbacks that he is required to retain under this Part.

How
determined

(2) The personal liability of an owner under subsection (1) may only be determined in an action under this Act.

Payments
that may be
made

24.—(1) A payer may, without jeopardy, make payments on a contract or subcontract up to 90 per cent of the price of the services or materials that have been supplied under that contract or subcontract unless, prior to making payment, the payer has received written notice of a lien.

Idem

(2) Where a payer has received written notice of a lien and has retained, in addition to the holdbacks required by this Part, an amount sufficient to satisfy the lien, the payer may, without jeopardy, make payment on a contract or subcontract up to 90 per cent of the price of the services and materials that have been supplied under that contract or subcontract, less the amount retained.

Payment
where
subcontract
certified
complete

25. Where a subcontract has been certified complete under section 33, each payer upon the contract and any subcontract may, without jeopardy, make payment reducing the holdbacks required by this Part to the extent of the amount of holdback he has retained in respect of the completed subcontract, where all liens in respect of the completed subcontract have expired as provided in Part V, or have been satisfied,

discharged or provided for under section 44 (payment into court).

26. Each payer upon the contract or a subcontract may, without jeopardy, make payment of the holdback he is required to retain by subsection 22 (1) (basic holdback), so as to discharge all claims in respect of that holdback, where all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

Payment of
basic
holdback

27. Each payer upon the contract or a subcontract may, without jeopardy, make payment of the holdback he is required to retain by subsection 22 (2) (holdback for finishing work), so as to discharge all claims in respect of that holdback, where all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

Payment of
holdback for
finishing
work

28. Where an owner, contractor or subcontractor makes a payment without obligation to do so to any person having a lien for or on account of any amount owing to that person for services or materials supplied to the improvement and gives written notice of the payment or his intention to pay to the proper payer of that person, the payment shall be deemed to be a payment by the owner, contractor or subcontractor to the proper payer of that person, but no such payment reduces the amount of the holdback required to be retained under this Part or reduces the amount that must be retained in response to a written notice of lien given by a person other than the person to whom payment is made.

Direct
payment to
person
having lien

29. Payments made in accordance with this Part operate as a discharge of the lien to the extent of the amount paid.

Discharge,
extent of

30. Where the contractor or a subcontractor defaults in the performance of his contract or subcontract, a holdback shall not be applied by any payer toward obtaining services or materials in substitution for those that were to have been supplied by the person in default, nor in payment or satisfaction of any claim against the person in default, until all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44 (payment into court).

How
holdback not
to be applied

PART V

EXPIRY, PRESERVATION AND PERFECTION OF LIENS

Expiry of
liens

31.—(1) Unless preserved under section 34, the liens arising from the supply of services or materials to an improvement expire as provided in this section.

Contractor's
liens

(2) Subject to subsection (4), the lien of a contractor,

(a) for services or materials supplied to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,

(i) the date on which a copy of the certificate or declaration of the substantial performance of the contract is published as provided in section 32, and

(ii) the date the contract is completed or abandoned; and

(b) for services or materials supplied to the improvement where there is no certification or declaration of the substantial performance of the contract, or for services or materials supplied to the improvement after the date certified or declared to be the date of substantial performance, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,

(i) the date the contract is completed, and

(ii) the date the contract is abandoned.

Liens of
other persons

(3) Subject to subsection (4), the lien of any other person,

(a) for services or materials supplied to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earliest of,

(i) the date on which a copy of the certificate or declaration of the substantial performance of the contract is published, as provided in section 32, and

- (ii) the date on which he last supplies services or materials to the improvement, and
 - (iii) the date a subcontract is certified to be completed under section 33, where the services or materials were supplied under or in respect of that subcontract; and
 - (b) for services or materials supplied to the improvement where there is no certification or declaration of the substantial performance of the contract, or for services or materials supplied to the improvement after the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,
 - (i) the date on which he last supplied services or materials to the improvement, and
 - (ii) the date a subcontract is certified to be completed under section 33, where the services or materials were supplied under or in respect of that subcontract.
- (4) Where a person has supplied services or materials to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract and has also supplied, or is to supply, services or materials after that date, his lien in respect of the services or materials supplied on or before the date of substantial performance expires without affecting any lien that he may have for the supply of services or materials after that date.
- (5) Where a person who has supplied services or materials under a contract or subcontract makes a declaration in the prescribed form declaring,
- (a) the date on which he last supplied services or materials under that contract or subcontract; and
 - (b) that he will not supply any further services or materials under that contract or subcontract,

Separate
liens when
ongoing
supply

Declaration
of last supply

then the facts so stated shall be deemed to be true against the person making the declaration.

Rules
governing
certification
or
declaration
of substantial
performance

32.—(1) The following rules govern the certification and declaration of the substantial performance of a contract:

1. On the application of the contractor, the payment certifier, or if there is no payment certifier, the owner and the contractor jointly shall determine whether a contract has been substantially performed in accordance with section 2, and where he or they so determine, shall certify the substantial performance of the contract by signing a certificate in the prescribed form.
2. The payment certifier or the owner and the contractor jointly, as the case may be, shall set out in the certificate the date on which the contract was substantially performed.
3. The date set out in the certificate as the date on which the contract was substantially performed is deemed for the purpose of this Act to be the date on which that event occurred.
4. Where the payment certifier certifies the substantial performance of a contract he shall within seven days of the day the certificate is signed give a copy of the certificate to the owner and to the contractor.
5. The contractor shall publish a copy of the certificate once in a construction trade newspaper.
6. Where the contractor does not publish a copy of the certificate within seven days of receiving a copy of the certificate signed by the payment certifier or, where there is no payment certifier, signed by the owner, any person may publish a copy of the certificate.
7. Where there is a failure or refusal to certify substantial performance of the contract within a reasonable time, any person may apply to the court, and the court, upon being satisfied that the contract is substantially performed, and upon such terms as to costs or otherwise as it considers fit, may declare that the contract has been substantially performed, and the declaration has the same force and effect as a certificate of substantial performance of the contract.
8. Unless the court otherwise orders, the day the declaration is made shall be deemed to be the date the contract was substantially performed.

9.

The person who applied to the court shall publish a copy of the declaration of substantial performance once in a construction trade newspaper.
10.

For the purposes of this Part, a certificate or declaration of the substantial performance of a contract has no effect until a copy of the certificate or declaration is published.

(2) Every certificate or declaration made or given under this section shall include,

Contents of certificate

- (a)

the name and address for service of the owner and of the contractor;
- (b)

the name and address of the payment certifier, where there is one;
- (c)

a short description of the improvement;
- (d)

the date on which the contract was substantially performed;
- (e)

where the lien attaches to the premises, a concise description containing a reference to lot and plan or instrument registration number sufficient to identify the premises; and
- (f)

the street address, if any, of the premises.

(3) Any person who is required by this section to make a determination of the substantial performance of a contract, and who after receiving an application fails or refuses within a reasonable time to certify the substantial performance of the contract, even though there is no reasonable doubt that the contract has, in fact, been substantially performed, is liable to anyone who suffers damages as a result.

Liability for refusal to certify

(4) A payment certifier who fails to comply with paragraph 4 of subsection (1) is liable to anyone who suffers damages as a result.

Liability for failure to furnish copy of certificate

(5) A construction trade newspaper shall publish upon commercially reasonable terms copies of certificates or declarations of substantial performance in the prescribed form and manner.

Manner of publication

33.—(1) Upon the request of the contractor, the payment certifier on the contract, or the owner and the contractor jointly, may determine whether a subcontract has been completed, and where he or they so determine, he or they may

Certificate re subcontract

certify the completion of the subcontract in the prescribed form.

Date
subcontract
deemed
completed

(2) Where a subcontract is certified to be completed, the subcontract shall be deemed to have been completed on the date of certification.

Services or
materials
supplied after
subcontract
certified
completed

(3) If services or materials are supplied to the improvement under or in respect of a subcontract after the date the subcontract is certified to be completed, those services or materials shall be deemed to have been last supplied on the date of certification.

Copy of
certificate

(4) Within seven days of the date the subcontract is certified to be completed, the payment certifier or the owner and the contractor, as the case may be, shall give a copy of the certificate,

- (a) to the subcontractor whose subcontract has been certified as complete; and
- (b) to the owner and the contractor, where certification is by the payment certifier.

How lien
preserved

34.—(1) A lien may be preserved during the supplying of services or materials or at any time before it expires,

- (a) where the lien attaches to the premises, by the registration in the proper land registry office of a claim for lien on the title of the premises in accordance with this Part; and
- (b) where the lien does not attach to the premises, by giving to the owner a copy of the claim for lien together with the affidavit of verification required by subsection (6).

Public
highway

(2) Where a claim for lien is in respect of a public street or highway owned by a municipality, the copy of the claim for lien and affidavit shall be given to the clerk of the municipality.

Premises
owned by
Crown

(3) Where the owner of the premises is the Crown, the copy of the claim for lien and affidavit shall be given to the office prescribed by regulation, or where no office has been prescribed, to the ministry or Crown agency for whom the improvement is made.

Railway
right-of-way

(4) Where the premises is a railway right-of-way, the copy of the claim for lien and affidavit shall be given to the manager or

any person apparently in charge of any office of the railway in Ontario.

(5) Every claim for lien shall set out,

Contents of
claim for lien

- (a) the name and address for service of the person claiming the lien and the name and address of the owner of the premises and of the person for whom the services or materials were supplied and the time within which those services or materials were supplied;
- (b) a short description of the services or materials that were supplied;
- (c) the contract price or subcontract price;
- (d) the amount claimed in respect of services or materials that have been supplied; and
- (e) a description of the premises,
 - (i) where the lien attaches to the premises, sufficient for registration under the *Land Titles Act* or the *Registry Act*, as the case may be, or
 - (ii) where the lien does not attach to the premises, being the address or other identification of the location of the premises.

R.S.O. 1980,
cc. 230, 445

(6) A claim for lien shall be verified by an affidavit of the person claiming the lien, including a trustee of the workers' trust fund where subsection 83 (2) applies, or of an agent or assignee of the claimant who has informed himself of the facts set out in the claim, and the affidavit of the agent or assignee shall state that he believes those facts to be true.

Affidavit of
verification

(7) Subject to subsection 44 (4) (apportionment), a general lien shall be preserved against each of the premises that the person having the lien desires the lien to continue to apply against, and the claim against each premises may be for the price of the services or materials that have been supplied to all the premises.

Preservation
of general
lien

(8) Any number of persons having liens upon the same premises may unite in a claim for lien, but where more than one lien is included in one claim, each person's lien shall be verified by affidavit as required by subsection (6).

Who may
join in claim

Liability for exaggerated claim, etc.

35. In addition to any other ground on which he may be liable, any person who preserves a claim for lien or who gives written notice of a lien,

- (a) for an amount which he knows or ought to know is grossly in excess of the amount which he is owed; or
- (b) where he knows or ought to know that he does not have a lien,

is liable to any person who suffers damages as a result.

What liens may be perfected

36.—(1) A lien may not be perfected unless it is preserved.

Expiry of preserved lien

(2) A lien that has been preserved expires unless it is perfected prior to the end of the forty-five day period next following the last day, under section 31, on which the lien could have been preserved.

How lien perfected

(3) A lien claimant perfects his preserved lien,

- (a) where the lien attaches to the premises, when he commences an action to enforce his lien and, except where an order to vacate the registration of his lien is made, he registers a certificate of action in the prescribed form on the title of the premises; or
- (b) where the lien does not attach to the premises, when he commences an action to enforce his lien.

Rules re sheltering

(4) A preserved lien becomes perfected by sheltering under a lien perfected by another lien claimant in respect of the same improvement in accordance with the following rules:

1. The preserved lien of a lien claimant is perfected by sheltering under the perfected lien of another lien claimant in respect of the same improvement where,
 - i. the lien of that other lien claimant was a subsisting perfected lien at the time when the lien of the lien claimant was preserved, or
 - ii. the lien of that other lien claimant is perfected in accordance with clause (3) (a) or (b) between the time when the lien of the lien claimant was preserved and the time that the lien of the lien claimant would have expired under subsection (2).

- 2. The validity of the perfection of a sheltered lien does not depend upon the validity, proper preservation or perfection of the lien under which it is sheltered.
- 3. A sheltered claim for lien is perfected only as to the defendants and the nature of the relief claimed in the statement of claim under which it is sheltered.
- 4. Upon notice given by a defendant named in a statement of claim, any lien claimant whose lien is sheltered under that statement of claim shall provide the defendant with further particulars of his claim or of any fact alleged in his claim for lien.

(5) Subject to subsection 44 (4) (apportionment), a preserved general lien that attaches to the premises shall be perfected against each premises to which the person having the lien desires the lien to continue to apply.

General lien

37.—(1) A perfected lien expires where,

Expiry of perfected lien

- (a) no day is fixed under section 62 for the trial of an action in which that lien may be realized; or
- (b) an action in which that lien may be realized is not set down for trial,

within two years of the date of the commencement of the action which perfected that lien.

(2) Where a lien has expired under subsection (1), an application may be made under section 46.

Application under s. 46

38. The expiration of a lien under this Act shall not affect any other legal or equitable right or remedy otherwise available to the person whose lien has expired.

Saving other rights

PART VI

RIGHT TO INFORMATION

39.—(1) Any person having a lien or who is the beneficiary of a trust under Part II or who is a mortgagee may, at any time, by written request, require information to be provided within a reasonable time, not to exceed twenty-one days, as follows:

Right to information;

- 1. By the owner or contractor, with,

from owner or contractor

- i. the names of the parties to the contract,

- ii. the contract price,
- iii. the state of accounts between the owner and the contractor, and
- iv. a copy of any labour and material payment bond in respect of the contract posted by the contractor with the owner.

from
contractor or
subcontractor

2. By the contractor or a subcontractor, with,

- i. the names of the parties to a subcontract,
- ii. the state of accounts between the contractor and a subcontractor or between a subcontractor and another subcontractor,
- iii. a statement of whether there is a provision in a subcontract providing for certification of the subcontract,
- iv. a statement of whether a subcontract has been certified as complete, and
- v. a copy of any labour and material payment bond posted by a subcontractor with the contractor or by a subcontractor with another subcontractor.

from
mortgagee or
unpaid
vendor

(2) Any person having a lien or any beneficiary of a trust under Part II may, at any time, by written request, require a mortgagee or unpaid vendor to provide him within a reasonable time, not to exceed twenty-one days, with,

- (a) sufficient details concerning any mortgage on the premises to enable the person who requests the information to determine whether the mortgage was taken by the mortgagee for the purposes of financing the making of the improvement;
- (b) a statement showing the amount advanced under the mortgage, the dates of those advances, and any arrears in payment including any arrears in the payment of interest; or
- (c) a statement showing the amount secured under the agreement of purchase and sale and any arrears in payment including any arrears in the payment of interest.

(3) The trustee of a workers' trust fund may at any time by written request require any contractor or subcontractor to permit him, within a reasonable time after making the request, not to exceed twenty-one days, to inspect the payroll records of all workers who are beneficiaries of the fund, and who have supplied labour to the making of the improvement, and who are employed by the contractor or the subcontractor.

by trustee or
workers'
trust fund

(4) A contractor shall, upon written request whenever made to him by any person, within a reasonable time furnish in writing to the person the date of publication and the name of the construction trade newspaper in which a copy of a certificate of substantial performance has been published under subsection 32 (1).

respecting
publication
of certificate
of substantial
performance

(5) Where a person, who is required under subsection (1), (2), (3) or (4) to provide information or access to information, does not provide the information or access to information as required or knowingly or negligently mis-states that information, he is liable to the person who made the request for any damages sustained by reason thereof.

Liability for
failure to
provide
information

(6) Upon motion, the court may at any time, whether or not an action has been commenced, order a person to comply with a request that has been made to him under this section and when making the order, the court may make any order as to costs as it considers appropriate in the circumstances, including an order for the payment of costs on a solicitor-and-client basis.

Order by
court to
comply with
request

40.—(1) Any person who has verified a claim for lien that has been preserved is liable to be cross-examined without an order on the claim for lien at any time, irrespective of whether an action has been commenced.

Cross-
examination
on claim for
lien

(2) There shall be only one examination under subsection (1), but the contractor, the payer of the lien claimant, and every person named in the claim for lien who has an interest in the premises are entitled to participate therein.

Who may
participate

(3) Any person intending to examine a person under subsection (1) shall give at least seven days notice of the examination specifying the time and place for the examination to,

Notice

- (a) the person to be examined or his solicitor;
- (b) every other person named in the claim for lien as having an interest in the premises;
- (c) the contractor; and

- (d) the payer of the lien claimant.

Application
of rules of
practice

(4) The Supreme Court Rules of Practice pertaining to examinations apply, with necessary modifications, to cross-examinations under this section.

PART VII

DISCHARGE OF PRESERVED OR PERFECTED LIENS

Discharge of
lien claim by
release

41.—(1) A preserved or perfected lien may be discharged,

- (a) where the lien attaches to the premises, by the registration of a release in the prescribed form on the title to the premises and the release shall, except where the lien claimant is a corporation, be supported by an affidavit of execution; or
- (b) where the lien does not attach to the premises, by giving a release in the prescribed form to the owner, in the manner set out in section 34 for the giving of copies of the claim for lien.

Withdrawal
of notice of
lien

(2) A written notice of a lien may be withdrawn by giving a withdrawal in writing to the person to whom the written notice of a lien was given, and a payer given the withdrawal shall, in respect of the operation of subsection 24 (2), be in the same position as if the written notice of a lien had never been given.

Discharge of
general lien

42. A preserved or perfected general lien may be discharged against any one or more of the premises that are subject to it, without affecting its application to any other premises to which it applies, by the registration of a release in the prescribed form on the title to the premises released.

Postpone-
ment of lien
claim

43. A preserved or perfected lien may be postponed in favour of the interest of another person in the premises by the registration on the title to the premises of a notice of postponement in the prescribed form, and in that case, subsection 80 (8) applies (priorities in event of postponement).

Vacating lien
by payment
into court;
without
notice

44.—(1) Upon the motion of any person, without notice to any other person, the court shall make an order vacating,

- (a) where the lien attaches to the premises, the registration of a claim for lien and any certificate of action in respect of that lien; or
- (b) where the lien does not attach to the premises, the claim for lien,

where the person bringing the motion pays into court, or posts security in an amount equal to, the total of,

- (c) the full amount claimed as owing in the claim for lien; and
- (d) the lesser of \$50,000 or 25 per cent of the amount described in clause (c), as security for costs.

(2) Upon the motion of any person, the court may make an order vacating the registration of a claim for lien, and any certificate of action in respect of that lien, upon the payment into court or the posting of security of an amount that the court determines to be reasonable in the circumstances to satisfy the lien.

on payment
in of
reasonable
amount

(3) Where the lien does not attach to the premises, the court may make an order, upon the motion of any person, vacating a claim for lien given to the owner, upon the payment into court or the posting of security of an amount that the court determines to be reasonable in the circumstances to satisfy the lien.

Where lien
does not
attach to
premises

(4) Where a motion is made to vacate the registration of a general lien against one or more of the premises subject to that lien, the court may apportion the general lien between the premises in respect of which the application is made and all other premises that are subject to the lien.

Where
general lien

(5) Where an amount has been paid into court or security has been posted with the court under this section, the court, upon notice to such persons as it may require, may order where it is appropriate to do so,

Reduction of
amount paid
into court

- (a) the reduction of the amount paid into court, and the payment of any part of the amount paid into court to the person entitled; or
- (b) the reduction of the amount of security posted with the court, and the delivery up of the security posted with the court for cancellation or substitution, as the case may be.

(6) Where an order is made under clause (1) (a) or subsection (2), the lien ceases to attach to the premises and ceases to attach to the holdbacks and other amounts subject to a charge under section 21, and becomes instead a charge upon the amount paid into court or security posted, and the owner or payer shall, in respect of the operation of sections 21, 23 and 24, be in the same position as if the lien had not been preserved or written notice of the lien had not been given.

Lien a charge
upon amount
paid into
court

Idem

(7) Where an order is made under clause (1) (b) or subsection (3), the lien ceases to attach to the holdbacks and other amounts subject to a charge under section 21 and becomes instead a charge upon the amount paid into court or security posted and the owner or payer shall, in respect of the operation of sections 21, 23 and 24, be in the same position as if the lien had not been preserved or written notice of the lien had not been given.

Consolidation of motions

(8) Where more than one motion is made under subsection (1), (2) or (3) for the payment into court or posting of security to obtain an order vacating the registration of one or more preserved or perfected liens arising from the same improvement, the court may consolidate the motions and require that the amount paid into court or security posted be adequate to satisfy all the liens that are the subject of each of the motions, or make any other order that it considers appropriate.

Rules

(9) Where an order is made under subsection (1), (2) or (3), the following rules apply:

1. The lien claimant whose lien was the subject of the order may proceed with an action to enforce his claim against the amount paid into court or security posted in accordance with the procedures set out in Part VIII, but no certificate of action shall be registered against the premises.
2. The amount paid into court or security posted is subject to the claims of all persons having a lien to the same extent as if the amount paid into court or security posted was realized by the sale of the premises in an action to enforce the lien and shall be distributed among all lien claimants in accordance with the priorities provided for in section 82.
3. Where any amount is realized in a lien action by the sale of the premises or otherwise, it shall be pooled into a common fund with the amount paid into court or security posted under this section, and shall be distributed among all lien claimants in accordance with the priorities provided for in section 82.

Declaration by court that preserved lien has expired

45.—(1) Where a lien that attaches to the premises is not preserved or is not perfected within the time allowed for doing so under section 31 or 36, the court upon,

- (a) the motion of any person without notice to any other person;

(b) proof that the lien has not been preserved or perfected within the time allowed; and

(c) production of,

(i) a certificate of search under the *Land Titles Act*, or R.S.O. 1980,
c. 230

(ii) a registrar's abstract under the *Registry Act*, R.S.O. 1980,
c. 445

together with a certified copy of the claim for lien,

shall declare that the lien has expired and order that the registration of the claim for lien be vacated.

(2) Where the court is satisfied that a lien that does not attach to the premises has not been preserved or perfected within the time allowed for doing so under section 31 or 36, the court upon the motion of any person without notice to any other person shall declare that the lien has expired. Idem

(3) Where a declaration is made under subsection (1) or (2), the court shall order that, Order
returning
amount paid
into court or
cancelling
security

(a) any amount that has been paid into court under section 44 in respect of that lien be returned to the person who paid the amount into court; and

(b) any security that has been posted under section 44 in respect of that lien be cancelled.

46.—(1) Where a perfected lien that attaches to the premises has expired under section 37, the court, upon the motion of any person, shall declare that the lien has expired and shall make an order dismissing the action to enforce that lien and vacating the registration of a claim for lien and the certificate of action in respect of that action. Order
dismissing
action, etc.

(2) Where a perfected lien that does not attach to the premises has expired under section 37, the court, upon the motion of any person, shall declare that the lien has expired and shall make an order dismissing the action to realize upon that lien. Idem

(3) A motion under subsection (1) or (2) may be brought without notice, but no order as to costs in the action may be made upon the motion unless notice of that motion was given to the person against whom the order for costs is sought. Costs

Order
returning
money paid
into court or
cancelling
security

(4) Where an action is dismissed under subsection (1) or (2), the court shall order that,

- (a) any amount that has been paid into court under section 44 in respect of that action be returned to the person who paid the amount into court; and
- (b) any security that has been posted under section 44 in respect of that action be cancelled.

General
power to
discharge lien

47.—(1) Upon motion, the court may,

- (a) order the discharge of a lien;
- (b) order that the registration of,
 - (i) a claim for lien, or
 - (ii) a certificate of action,

or both, be vacated;

- (c) declare, where written notice of a lien has been given, that the lien has expired, or that the written notice of the lien shall no longer bind the person to whom it was given; or
- (d) dismiss an action,

upon any proper ground and subject to any terms and conditions that the court considers appropriate in the circumstances.

Direction by
court

(2) Where a certificate of action is vacated under subsection (1), and there remain liens which may be enforced in the action to which that certificate relates, the court shall give any directions that are necessary in the circumstances in respect of the continuation of that action.

Discharge
irrevocable

48. A discharge of a lien under this Part is irrevocable and the discharged lien cannot be revived, but no discharge affects the right of the person whose lien was discharged to claim a lien in respect of services or materials supplied by him subsequent to the preservation of the discharged lien.

Registration

49. Where the lien attaches to the premises, an order declaring that a lien has expired, or discharging a lien, or vacating the registration of a claim for lien or a certificate of action, may be registered by registering on the title to the premises a certified copy of the order that includes a description of the

premises sufficient for registration under the *Registry Act* or the *Land Titles Act*, as the case may be, and a reference to the registration number of every preserved or perfected claim for lien and certificate of action thereby affected.

R.S.O. 1980,
cc. 445, 230

PART VIII

JURISDICTION AND PROCEDURE

50.—(1) A lien claim is enforceable in an action in the Supreme Court in accordance with the procedure set out in this Part.

Lien claim
enforceable
in action

(2) A trust claim shall not be joined with a lien claim but may be brought in any court of competent jurisdiction.

Trust claim
and lien
claim not to
be joined

(3) Any number of lien claimants whose liens are in respect of the same owner and the same premises may join in the same action.

Joinder in
action

51.—(1) Where the premises or a part thereof are situate in the Judicial District of York, an action shall be tried by a judge of the court.

Where
premises
situate in
Judicial
District of
York

(2) Where the premises are situate outside the Judicial District of York, an action shall be tried,

Where
premises
situate
outside
Judicial
District of
York

(a) by a local judge of the court having jurisdiction in the county or district in which the premises or a part thereof are situate;

(b) on consent of the persons to whom a notice of trial must be given and on the order of the local judge otherwise having jurisdiction over the action, by a local judge of the court in a county or district other than the one in which the premises or a part thereof are situate, but not in the Judicial District of York; or

(c) where upon motion the local judge so orders, by a judge of the court at the regular sittings of the court for the trial of actions in the county or district in which the premises or a part thereof are situate.

(3) Where the premises or a part thereof are situate in more than one county or district, an action may be tried by any judge or local judge who has jurisdiction under subsection (1) or (2) in any of the counties or districts in which the premises are situate.

Where
premises
situate in
more than
one county

Powers of
master, etc.

52.—(1) Except as provided in subsection (2),

- (a) a master, where the premises or a part thereof are situate in the Judicial District of York;
- (b) a local master appointed for, or a master assigned to, the county or district in which the premises or a part thereof are situate, where the premises are situate outside the Judicial District of York;
- (c) a local judge, where the local judge has ordered that the action be tried by a judge of the court under clause 51 (2) (c),

has jurisdiction to hear and dispose of any motion under this Act, including a motion brought prior to the commencement of an action, and all motions relating to the conduct of an action or reference under this Act.

What matters
not to be
dealt with by
master

(2) A master or appointed local master shall not hear or dispose of,

- (a) a motion for the trial of the action by a judge under clause 51 (2) (c);
- (b) a motion for the reference of an action to a master or appointed local master for trial;
- (c) an originating application; or
- (d) a motion in respect of an appeal.

Further
powers of
master

(3) In addition to his jurisdiction under subsection (1), a master or appointed local master to whom a reference has been directed has all the jurisdiction, powers and authority of the court to try and completely dispose of the action and all matters and questions arising in connection with the action, including the giving of leave to amend any pleading and the giving of directions to a receiver or trustee appointed by the court.

Court to
dispose
completely of
action

53. The court, whether the action is being tried by a judge or local judge, or by a master or an appointed local master on a reference,

- (a) shall try the action, including any set-off, crossclaim, counterclaim, and, subject to section 58, third party claim, and all questions that arise therein or that are necessary to be tried in order to dispose completely of the action and to adjust the rights and liabilities of

the persons appearing before it or upon whom notice of trial has been served; and

- (b) shall take all accounts, make all inquiries, give all directions and do all things necessary to dispose finally of the action and all matters, questions and accounts arising therein or at the trial and to adjust the rights and liabilities of, and give all necessary relief to, all parties to the action.

54. A judge, local judge, master or an appointed local master does not acquire exclusive jurisdiction over the trial of an action or reference by reason only of his appointing the time and place for the trial of the action or reference, or for the holding of a settlement meeting.

Where
exclusive
jurisdiction
not acquired

55.—(1) An action shall be commenced by filing a statement of claim in the office of the registrar or local registrar of the court in the county or district in which the premises or a part thereof are situate.

How action
commenced

(2) The statement of claim shall be served within ninety days after it is filed, but the court may, upon a motion made before or after the expiration of that period of time, extend the time for service.

Service of
statement of
claim

(3) A crossclaim or counterclaim by any person shall accompany his statement of defence, but on motion the court may grant leave to deliver a crossclaim or counterclaim after this time where it is appropriate to do so, and where leave is granted, the court may,

Crossclaim or
counterclaim

- (a) make any order as to costs that it considers appropriate; and
- (b) give directions as to the conduct of the action.

56.—(1) The time for delivering a statement of defence to a lien claim, crossclaim, counterclaim or third party claim shall be twenty days.

Time for
delivery of
pleadings

(2) Where a person against whom a claim is made in a statement of claim, counterclaim, crossclaim or third party claim defaults in the delivery of a statement of defence in respect of that claim, pleadings may be noted closed against him in respect of that claim.

Noting
pleadings
closed

(3) Where pleadings have been noted closed against a defendant or third party under subsection (2), he shall not be permitted to contest the claim of the person who named him as a de-

Effect of
default in
defence

defendant or third party, or to file a statement of defence, except with leave of the court, to be given only where the court is satisfied that there is evidence to support a defence, and where leave is granted, the court,

- (a) may make any order as to costs that it considers appropriate; and
- (b) may give directions as to the conduct of the action.

Allegations
of fact
deemed
admitted

(4) Except where leave has been granted under subsection (3), a defendant or third party against whom pleadings have been noted closed under subsection (2) shall be deemed to admit all allegations of fact made in the statement of claim, counterclaim, crossclaim or third party claim, as the case may be, and shall not be entitled to notice of or to participate in the trial of the action or any proceeding in respect of the action and judgment may be given against him.

Warning to
be included

(5) Every statement of claim, crossclaim, counterclaim or third party claim shall include the following warning:

“WARNING: If you wish to defend against this claim, you are required to deliver a statement of defence within twenty days. Should you fail to deliver a statement of defence as required, pleadings may be noted closed against you, and you shall be deemed to admit all allegations of fact contained in this claim, and you shall not be entitled to notice of or to participate in the trial or any proceeding in respect of this claim and judgment may be given against you.”

Joinder of
claims

57.—(1) A plaintiff in an action may join with his lien claim a claim for breach of his contract or subcontract.

Counter-
claims and
crossclaims

(2) A defendant in an action may,

- (a) counterclaim against the person who named him as a defendant in respect of any claim that he may be entitled to make against that person, whether or not that claim is related to the making of the improvement;
- (b) crossclaim against a co-defendant in respect of any claim that he may be entitled to make against that person related to the making of the improvement.

58. The following rules govern third party proceedings:

Rules re third party proceedings

1. Subject to paragraph 2, a person against whom a claim is made in a statement of claim, crossclaim, counterclaim or third party claim may join a person who is not a party to the action as a third party for the purpose of claiming contribution or indemnity from the third party in respect of that claim.
2. A person may only be joined as a third party with leave of the court upon a motion made with notice to the owner and all persons having subsisting preserved or perfected liens at the time of the motion, but such leave shall not be given unless the court is satisfied that the trial of the third party claim will not,
 - i. unduly prejudice the ability of the third party or of any lien claimant or defendant to prosecute his claim or conduct his defence, or
 - ii. unduly delay or complicate the resolution of the lien action.
3. The court may give such directions as it considers appropriate in the circumstances in respect of the conduct of third party proceedings.

59.—(1) The person serving the notice of trial and all persons served with notice of trial are parties to the action.

Parties

(2) Subject to section 56, the court may at any time add or join any person as a party to the action.

Adding parties

60.—(1) On motion made after the delivery of all statements of defence, or the statements of defence to all cross-claims, counterclaims or third party claims, if any, or the time for their delivery has expired,

Reference to master, etc.

- (a) a judge may refer to a master; or
- (b) a local judge may refer to a master assigned to, or a local master appointed for, the county or district in which the trial is to take place,

the whole action for trial under section 71 of the *Judicature Act*.

R.S.O. 1980, c. 223

(2) At the trial,

Idem

- (a) a judge may direct a reference to a master; or

- (b) a local judge may direct a reference to a master assigned to, or a local master appointed for, the county or district in which the trial is to take place,

R.S.O. 1980, c. 223 under section 70 or 71 of the *Judicature Act*.

Application to set aside order of reference (3) Where under subsection (1), the action has been referred to the master or local master for trial, any person who subsequently becomes a party to the action may, within seven days after becoming a party to the action, make a motion to a judge or the local judge of the court who directed the reference to set aside the judgment directing the reference.

Effect on subsequent party to action (4) Where no motion is made under subsection (3), or where the motion is refused, the person who subsequently became a party to the action is bound by the judgment directing the reference as if he had been a party to the action at the time the reference was directed.

Carriage of action **61.**—(1) The court may at any time make an order awarding carriage of the action to any person who has a perfected lien.

Consolidation of actions (2) Where more than one action is brought to enforce liens in respect of the same improvement, the court may,

- (a) consolidate all the actions into one action; and
- (b) award carriage of the action to any person who has a perfected lien.

Application to fix date for trial or settlement meeting **62.**—(1) Any party may make a motion to the court without notice to any other person at any time after,

- (a) the delivery of the statements of defence, or the statements of defence to all crossclaims, counterclaims or third party claims, if any, where the plaintiff's claim is disputed; or
- (b) the expiry of the time for the delivery of these statements of defence in all other cases,

to have a day, time and place fixed for the trial of the action, or for the holding of a settlement meeting under section 63, or both.

Notice of settlement meeting (2) Where the court orders the holding of a settlement meeting, then at least ten days before the date appointed for the holding of the meeting, the party who obtained the appoint-

ment shall serve a notice of settlement meeting upon any person who was, on the twelfth day before the date appointed,

- (a) subject to section 56 (default in filing defence), the owner and every other person named as a defendant in every statement of claim in respect of the action;
- (b) where the lien attaches to the premises, a person with a registered interest in the premises;
- (c) where the lien attaches to the premises, an execution creditor of the owner;
- (d) any other person having a preserved or perfected lien against the premises; and
- (e) a person joined as a third party under section 58.

(3) Where the lien does not attach to the premises, the party who obtained the appointment for the holding of the settlement meeting shall request the owner to inform him of the identity of every person described in clause (2) (d). Request to identify other persons having lien

(4) Subject to section 56, where the court fixes a date for trial, the party who obtained the appointment shall serve a notice of trial, at least ten days before the date appointed for trial, upon any person who is or would be entitled to a notice of a settlement meeting under subsection (2). Service of notice of trial

63.—(1) Where a settlement meeting is ordered by the court, it shall be conducted in accordance with this section. Conduct of settlement meeting

(2) The settlement meeting shall be conducted by, Idem

- (a) a person selected by a majority of the persons present at the meeting; or
- (b) where no person is selected, by the person who took out the appointment,

and shall be for the purpose of resolving or narrowing any issues to be tried in the action.

(3) The results of the settlement meeting shall be embodied in a statement of settlement which shall summarize those issues of fact and law which have been settled by the parties. Idem

(4) The statement of settlement shall be filed with the court and shall be attached to and form part of the record, and the settlement shall be binding upon all persons served with notice Statement of settlement

of the settlement meeting, and upon all defendants against whom pleadings have been noted closed under section 56, but subject to subsection 56 (3), the court may vary or set aside the statement of settlement upon such order as to costs or otherwise as it considers appropriate.

Power of court

(5) Upon the filing of the statement of settlement with the court, the court may,

- (a) if there was no dispute at the meeting to a claim for lien, declare the lien valid and give such further judgment as it considers appropriate;
- (b) enter a judgment or make a report upon consent on those issues which have been settled by the parties;
- (c) make any order that is necessary in order to give effect to any judgment or report of the court under clause (a) or (b); and
- (d) make any order that is necessary for, or will expedite the conduct of, the trial.

Non-application of rule 244

(6) Rule 244 of the Supreme Court Rules of Practice does not apply to an action under this Act.

Judgment or report

64.—(1) The results of the trial shall be embodied,

- (a) in a judgment in the prescribed form, where the trial is conducted by a judge or local judge of the court; or
- (b) in a report in the prescribed form, where the trial is conducted by a master or an appointed local master of the court on a reference.

Varying form

(2) The prescribed form of judgment or report may be varied by the court in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he is entitled.

When report deemed confirmed

(3) The report of a master or an appointed local master shall be deemed to be confirmed at the expiration of the fifteen-day period next following the date that the notice of filing was given, unless notice of appeal is served within that time.

Issue of execution

(4) The judgment or report may direct any party found liable to make a payment, to make such payment forthwith, and execution may be issued,

- (a) immediately, in the case of a judgment; or

(b) after confirmation, in the case of a report.

(5) The court may order that the interest in the premises be sold and may direct the sale to take place at any time after the judgment or confirmation of the report, allowing a reasonable time for advertising the sale.

Order for sale

(6) The court may allow any person with a perfected lien,

Persons who may be let in

(a) who was not served with a notice of trial; or

(b) whose action was stayed by reason of an order under the *Arbitrations Act*,

R.S.O. 1980, c. 25

to be let in to prove his claim at any time before the amount realized in the action for the satisfaction of the lien has been distributed, and where his claim is allowed, the judgment or report shall be amended to include his claim.

65. Subject to paragraph 3 of subsection 36 (4) (sheltering), the court may award any lien claimant a personal judgment, whether he proves his lien or not, upon any ground relating to his claim that is disclosed by the evidence against any party to the action for any amount that may be due to him and that he might have recovered in a proceeding against that party.

Personal judgment

66. Where an interest in the premises is sold under court order, or by a trustee appointed under Part IX, a person with a perfected lien is entitled to share in the proceeds of sale in respect of the amount owing to him, although that amount or part thereof was not payable at the time of the commencement of the action or at the time of the distribution of the proceeds.

Right to share in proceeds

67.—(1) The court may make all orders necessary for the completion of a sale and for vesting an interest in the premises in the purchaser.

Orders for completion of sale

(2) Where an interest in the premises is sold under court order, or by a trustee appointed under Part IX, the proceeds of the sale shall be paid into court to the credit of the action.

Payment into court of proceeds

(3) The court may add to the claim of the party having carriage of the action his fees and actual disbursements in connection with the sale.

Fees and disbursements

To whom
proceeds
paid

(4) The court shall direct to whom the proceeds shall be paid in accordance with the priorities established by this Act.

Where
proceeds
insufficient to
satisfy
judgment

(5) Where the proceeds of the sale are not sufficient to satisfy the judgment and costs, the court shall certify the amount of the deficiency and give personal judgment in the appropriate amount to each person whose judgment is not satisfied out of the proceeds against each person who has been found liable to him.

Application
to court for
directions

68. Where a person has in his possession an amount that may be subject to a trust under Part II, he may apply to the court for direction and the court may give any direction or make any order that the court considers appropriate in the circumstances.

Summary
procedure

69.—(1) The procedure in an action shall be as far as possible of a summary character, having regard to the amount and nature of the liens in question.

Interlocutory
proceedings

(2) Interlocutory proceedings, other than those provided for in this Act, shall not be taken without the consent of the court obtained upon proof that the proceedings are necessary or would expedite the resolution of the issues in dispute.

Application
of rules of
practice
R.S.O. 1980,
c. 223

(3) Except where inconsistent with this Act, and subject to subsection (2), the *Judicature Act* and the Supreme Court Rules of Practice apply to pleadings and proceedings under this Act.

Technical
assistance

(4) The court may obtain the assistance of any merchant, accountant, actuary, building contractor, architect, engineer or other person in such a way as it considers fit, to enable it to determine better any matter of fact in question, and may fix the remuneration of such person and direct the payment thereof by any of the parties.

Representa-
tion by agent

(5) A lien claimant whose claim is for an amount within the monetary jurisdiction of a small claims court may be represented by an agent who is not a barrister and solicitor.

Manner of
making
motion

(6) Where in this Act the court is empowered to do anything upon motion, the motion may be made in the manner provided for in the Supreme Court Rules of Practice for the making of interlocutory motions, regardless of whether any action has been commenced at the time the motion is made.

PART IX

EXTRAORDINARY REMEDIES

<p>70.—(1) Any person having a lien, or any other person having an interest in the premises, may apply to the court for the appointment of a trustee and the court may appoint a trustee upon such terms as to the giving of security or otherwise as the court considers appropriate.</p>	Application for appointment of trustee
<p>(2) Subject to the supervision and direction of the court, a trustee appointed under subsection (1) may,</p>	Powers of trustee
<p>(a) act as a receiver and manager and, subject to the <i>Planning Act</i> and the approval of the court, mortgage, sell or lease the premises or any part thereof;</p>	R.S.O. 1980, c. 379
<p>(b) complete or partially complete the improvement;</p>	
<p>(c) take appropriate steps for the preservation of the premises; and</p>	
<p>(d) subject to the approval of the court, take such other steps as are appropriate in the circumstances.</p>	
<p>(3) Subject to subsection 80 (7), all liens shall be a charge upon any amount recovered by the trustee after payment of the reasonable business expenses and management costs incurred by the trustee in the exercise of any power under subsection (2).</p>	Liens a charge on amounts recovered
<p>(4) Any interest in the premises that is to be sold may be offered for sale subject to any mortgage, charge, interest or other encumbrance that the court directs.</p>	Sale subject to encumbrances
<p>(5) The court may make all orders necessary for the completion of any mortgage, lease or sale by a trustee under this section.</p>	Orders for completion of sale, etc.
<p>71.—(1) Where a labour and material payment bond is in effect in respect of an improvement, any person whose payment is guaranteed by that bond has a right of action to recover the amount of his claim, in accordance with the terms and conditions of the bond, against the surety on the bond, where the principal on the bond defaults in making the payment guaranteed by the bond.</p>	Labour and material payment bonds
<p>(2) Nothing in this section makes the surety liable for an amount in excess of the amount that he undertakes to pay under the bond and the surety's liability under the bond shall be</p>	Saving

reduced by and to the extent of any payment made in good faith by the surety either before or after judgment is obtained against the surety.

Subrogation (3) The surety, upon satisfaction of its obligation to any person whose payment is guaranteed by the bond, shall be subrogated to all the rights of that person.

PART X

APPEALS

Stated case **72.**—(1) Where in the course of an action a question of law arises, the court may state the question in the form of a stated case for the opinion of the Divisional Court, and the stated case shall thereupon be set down to be heard before the Divisional Court and notice of hearing shall be served by the party setting down the matter upon all parties concerned.

Facts to be set out (2) The stated case shall set forth those facts material to the determination of the question raised.

Appeal to Divisional Court **73.**—(1) Subject to subsection (3), an appeal lies from a judgment or a report under this Act to the Divisional Court.

Time for filing and serving notice of appeal (2) A party wishing to appeal a judgment or report shall file and serve his notice of appeal,

(a) prior to the confirmation of the report where the appeal is in respect of a report; or

(b) within fifteen days of the date of judgment in all other cases,

but the time for filing or serving the notice of appeal may be extended by the written consent of all parties, or by a single judge of the Divisional Court where an appropriate case is made out for doing so.

Where no appeal lies (3) No appeal lies from,

(a) a judgment or a report under this Act, where the amount claimed is \$1,000 or less; or

(b) an interlocutory order made by the court.

PART XI

PRIORITIES

74. A person who has supplied services or materials in respect of an improvement may enforce his lien despite the non-completion or abandonment of the contract or a subcontract by any other person.

Enforcement of lien despite default

75. The rights of a person having a lien may be assigned by an instrument in writing and, if not assigned, upon his death pass to his personal representative.

Assignment of lien rights

76.—(1) Subject to section 84, where one or more premises that are subject to an unpreserved general lien are sold, the general lien continues for the full amount of the lien against those premises that are subject to the lien, that were not sold.

Continuation of general lien

(2) Where a person having a preserved or perfected general lien releases the lien against one or more of the premises subject to the lien, the lien continues for the full amount of the lien against those premises that were not released.

Idem

77.—(1) The taking of any security for, or the acceptance of any promissory note or bill of exchange for, or the taking of any acknowledgment of, or the giving of time for the payment of, or the taking of proceedings for the recovery of, or the obtaining of a personal judgment for, the claim, does not in itself merge, waive, pay, satisfy, prejudice or destroy a lien.

Effect of taking security

(2) Where any promissory note or bill of exchange has been negotiated, the person having the lien may still enforce the lien if he is the holder of the promissory note or bill of exchange at the time when he proves his claim.

Where note or bill negotiated

(3) Nothing in this section extends the time for, or dispenses with the requirement for, the preservation or perfection of a lien.

Time not extended

78. Where a claim for lien is preserved by registration, the lien claimant shall be deemed to be a purchaser to the extent of his lien within the provisions of the *Registry Act* and *Land Titles Act*, but except as otherwise provided in this Act, those Acts do not apply to any lien arising under this Act.

Lien claimant deemed purchaser
R.S.O. 1980, cc. 445, 230

79. The liens arising from an improvement have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders except those executed or re-

Priority of liens over executions, etc.

covered upon before the time when the first lien arose in respect of the improvement.

Priority over mortgages, etc.

80.—(1) Except as provided in this section, the liens arising from an improvement have priority over all conveyances, mortgages or other agreements affecting the owner's interest in the premises.

Building mortgage

(2) Where a mortgagee takes a mortgage with the intention to secure the financing of an improvement, the liens arising from the improvement have priority over that mortgage, and any mortgage taken out to repay that mortgage, to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV, irrespective of when that mortgage, or the mortgage taken out to repay it, is registered.

Prior mortgages, prior advances

(3) Subject to subsection (2), and without limiting the effect of subsection (4), all conveyances, mortgages or other agreements affecting the owner's interest in the premises that were registered prior to the time when the first lien arose in respect of an improvement have priority over the liens arising from the improvement to the extent of the lesser of,

- (a) the actual value of the premises at the time when the first lien arose; and
- (b) the total of all amounts that prior to that time were,
 - (i) advanced in the case of a mortgage, and
 - (ii) advanced or secured in the case of a conveyance or other agreement.

Prior mortgages, subsequent advances

(4) Subject to subsection (2), a conveyance, mortgage or other agreement affecting the owner's interest in the premises that was registered prior to the time when the first lien arose in respect of an improvement, has priority, in addition to the priority to which it is entitled under subsection (3), over the liens arising from the improvement, to the extent of any advance made in respect of that conveyance, mortgage or other agreement after the time when the first lien arose, unless,

- (a) at the time when the advance was made, there was a preserved or perfected lien against the premises; or
- (b) prior to the time when the advance was made, the person making the advance had received written notice of a lien.

(5) Where any mortgage is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV.

Special
priority
against
subsequent
advances

(6) Subject to subsections (2) and (5), a conveyance, mortgage or other agreement affecting the owner's interest in the premises that is registered after the time when the first lien arose in respect to the improvement, has priority over the liens arising from the improvement to the extent of any advance made in respect of that conveyance, mortgage or other agreement, unless,

General
priority
against
subsequent
mortgages

- (a) at the time when the advance was made, there was a preserved or perfected lien against the premises; or
- (b) prior to the time when the advance was made, the person making the advance had received written notice of a lien.

(7) Despite anything in this Act, where an amount is advanced to a trustee appointed under Part IX as a result of the exercise of any powers conferred upon him under that Part,

Advances to
trustee under
Part IX

- (a) the interest in the premises acquired by the person making the advance takes priority, to the extent of the advance, over every lien existing at the date of the trustee's appointment; and
- (b) the amount received is not subject to any lien existing at the date of the trustee's appointment.

(8) Despite subsections (4) and (6), where a preserved or perfected lien is postponed in favour of the interest of some other person in the premises, that person shall enjoy priority in accordance with the postponement over,

Where
postponement

- (a) the postponed lien; and
- (b) where an advance is made, any unpreserved lien in respect of which no written notice has been received by the person in whose favour the postponement is made at the time of the advance,

but nothing in this subsection affects the priority of the liens under subsections (2) and (5).

Saving

(9) Subsections (2) and (5) do not apply in respect of a mortgage that was registered prior to the day on which this Act comes into force.

Registration of financial guarantee bond

(10) A financial guarantee bond in a form prescribed may be registered on the title to the premises, and where the bond is registered a purchaser who takes title from the mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5), the security of the bond takes the place of the priority created by those subsections and persons who have proved liens have a right of action against the surety on the bond.

Persons who comprise class

81. All persons having a lien who have supplied services or materials to the same payer comprise a class, and a person who has supplied services or materials to more than one payer is a member of every class to the extent to which his lien relates to that class.

Priority between and within class

82.—(1) Except where it is otherwise provided by this Act,

- (a) no person having a lien is entitled to any priority over another member of the same class;
- (b) all amounts available to satisfy the liens in respect of an improvement shall be distributed rateably among the members of each class according to their respective rights; and
- (c) the lien of every member of a class has priority over the lien of the payer of that class.

Where conveyance or mortgage void

(2) Any conveyance or mortgage in respect of the premises to any person entitled to a lien on the premises, in payment of or as security for that claim, whether given before or after that lien arises, is void against all other persons entitled to a lien on the premises.

Worker's priority

83.—(1) The lien of a worker has priority over the lien of any other person belonging to the same class to the extent of the amount of forty regular-time working days' wages.

Workers' trust fund

(2) Where monetary supplementary benefits are payable to a workers' trust fund instead of to a worker, the trustee of the workers' trust fund is subrogated to the rights of the worker under this Act with respect to those benefits.

(3) Every device to defeat the priority given to workers by this section is void.

Device to defeat workers' priority void

84. Where a general lien is realized against a premises in an action in which other liens are also realized against the premises,

Subordination of general lien claims

(a) the general lien shall rank with the other liens according to the rules of priority set out in section 82 only to the extent of,

(i) the total value of the general lien,

divided by,

(ii) the total number of premises to which the person having the general lien supplied services or materials under his contract or subcontract; and

(b) in respect of the balance of the general lien, it shall rank next in priority to all other liens against the premises, whether or not of the same class.

85. Where a premises that is subject to a lien is destroyed in whole or in part, any amount received by the owner or a mortgagee by reason of any insurance on the premises shall take the place of the premises so destroyed and shall be distributed in accordance with the priorities set out in this Part.

Application of insurance proceeds

86. Where an interest in the premises is sold or leased under an order of the court or by a trustee appointed under Part IX, the proceeds received as a result of that disposition, together with any amount paid into court under subsection 67 (2), shall be distributed in accordance with the priorities set out in this Part.

Distribution of proceeds of sale

87.—(1) Where a payer becomes insolvent, the trust fund of which that payer is trustee shall be distributed so that priority over all others is given to a beneficiary of that trust who has proved a lien and a beneficiary of a trust created by section 8 that is derived from that trust, who has proved a lien.

Priorities on insolvency

(2) Priority in the distribution of trust funds among those who have proved liens shall be in accordance with the respective priorities of their liens as set out in this Part.

Idem

(3) The remaining trust funds shall be distributed among the beneficiaries of that trust and the beneficiaries of trusts created by section 8 that are derived from that trust, whose liens have

Idem

not been proved, in accordance with the respective priorities to which those liens would have been entitled as set out in this Part, had those liens been proved.

PART XII

MISCELLANEOUS RULES

Costs

88.—(1) Subject to subsection (2), any order as to the costs in an action, application, motion or settlement meeting is in the discretion of the court, and an order as to costs may be made against,

- (a) any party to the action or motion; or
- (b) the solicitor or agent of any party to the action, application or motion, where the solicitor or agent has,
 - (i) knowingly participated in the preservation or perfection of a lien, or represented a party at the trial of an action, where it is clear that the claim for lien is without foundation or is for a grossly excessive amount, or that the lien has expired, or
 - (ii) by his conduct prejudiced or delayed the conduct of the action,

and the order may be made on a solicitor-and-client basis, including where the motion is heard by, or the action has been referred under section 60 to, a master or an appointed local master.

Where least expensive course not taken

(2) Where the least expensive course is not taken by a party, the costs allowed to him shall not exceed what would have been incurred had the least expensive course been taken.

Scale of costs

(3) Except where otherwise ordered by the court hearing an appeal, the costs of an appeal shall be on the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court and where it exceeds that amount shall be on the Supreme Court scale.

How documents may be given

89.—(1) Subject to subsection (3) and, except where otherwise ordered by the court, all documents and notices required to be given or that may be given under this Act, may be served in any manner permitted under the Rules of the Supreme Court or, in the alternative, may be sent by certified or registered mail addressed to the intended recipient at his last known mailing address,

- (a) according to the records of the person sending the document; or
- (b) as stated on the most recently registered instrument identifying him as a person having an interest in the premises.

(2) In the absence of evidence to the contrary, a document or notice sent to a person by certified or registered mail shall be deemed to have been received by him on the fifth day following the date on which it was mailed, exclusive of Saturdays and holidays.

When document deemed received

(3) Except where otherwise ordered by the court, the following shall not be sent by certified or registered mail but shall be served in the manner provided in the Rules of the Supreme Court for service of a writ of summons:

Service of particular documents, etc.

- 1. Statement of claim.
- 2. Notice of trial or settlement meeting.
- 3. Notice of appeal.

(4) Where a document or notice is sent by registered mail, the date appearing on the postal registration receipt shall be deemed conclusively to be the date of mailing.

Date of mailing

90. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing forms and providing for their use;
- (b) prescribing the appropriate offices of the Crown to which claims for lien must be sent;
- (c) prescribing the form and manner of publication of copies of certificates and declarations of substantial performance under section 32.

91. Sections 1 to 51 and section 53 of the *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980, are repealed.

Repeal

92.—(1) This Act comes into force on the 2nd day of April, 1983, and applies to all contracts entered into on or after that date and to the subcontracts arising under those contracts and to all services or materials supplied thereunder.

Commencement and application

Transitional
R.S.O. 1980,
c. 261

(2) Despite section 91, the *Mechanics' Lien Act* continues to apply to all contracts entered into before the 2nd day of April, 1983, and to the subcontracts arising under those contracts and to all services or materials supplied thereunder.

Idem

(3) Despite section 91, where a contract entered into before the 2nd day of April, 1983 is amended in good faith on or after that date, the *Mechanics' Lien Act* applies to that amendment and to all subcontracts arising under it and to all services or materials supplied thereunder.

Short title

93. The short title of this Act is the *Construction Lien Act, 1983*.

CHAPTER 7

An Act respecting
Crown Trust Company

Assented to February 1st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “fiduciary” means fiduciary as defined in subsection 144 (1) of the *Loan and Trust Corporations Act*;
- (b) “instrument” means instrument as defined in subsection 144 (1) of the *Loan and Trust Corporations Act*;
- (c) “purchaser” means a person who enters into an agreement with the Registrar under subsection 4 (2);
- (d) “Registrar” means the Registrar appointed under the *Loan and Trust Corporations Act*;
- (e) “substituted fiduciary” means a person who enters into an agreement with the Registrar under subsection 4 (3).

R.S.O. 1980,
c. 249

2. The purpose of this Act is to facilitate the preservation of certain assets and obligations of Crown Trust Company, including deposit accounts and trust property, through arrangements for their sale or management.

Purpose

3.—(1) Without limiting the powers and authority of the Registrar under section 159 of the *Loan and Trust Corporations Act*, and notwithstanding anything contained therein, while the Registrar is in possession and control of the assets of Crown Trust Company under section 158a of the *Loan and Trust Corporations Act*,

Powers of
Registrar

- (a) the Registrar has full power and authority to conduct, manage, operate and administer the business, affairs, undertaking, operations, assets, liabilities

and obligations of Crown Trust Company on its behalf for all purposes, including without limitation for the purpose of the winding down or orderly discontinuance of its business, affairs, undertaking and operations and the effecting of arrangements under section 4;

- (b) the Registrar has the sole and exclusive right to exercise all powers and authority of Crown Trust Company and its officers, directors and shareholders; and
- (c) no officer, director or shareholder of Crown Trust Company may exercise any power or authority in that capacity.

Agreement
for
management

(2) The Registrar may, with the approval of the Lieutenant Governor in Council, enter into one or more agreements with any person or persons providing for the exercise by such person or persons of all or any of the powers and authority of the Registrar under this section to conduct, manage, operate or administer all or any part of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company on such terms and conditions, and for such reasonable remuneration, as may be provided for in the agreement.

Remuneration

(3) Any reasonable remuneration payable to any person under an agreement entered into under this Act and any expenses incurred by the Registrar in carrying out the provisions of this Act may be paid out of the assets of Crown Trust Company or any income therefrom or any proceeds of disposition thereof.

Agreements
to be tabled

(4) Any agreement entered into under subsection (2) shall be laid before the Assembly by the Minister of Consumer and Commercial Relations upon its approval by the Lieutenant Governor in Council, if the Assembly is then in session, or if not, at the next ensuing session.

Authority of
Registrar

4.—(1) The Registrar has full power and authority, for and in the name of and on behalf of Crown Trust Company, by agreement under subsection (2) or (3),

- (a) to sell, assign, transfer or otherwise dispose of all or any part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company; and
- (b) to appoint any person as the substituted fiduciary under any instrument in respect of which Crown

Trust Company is a fiduciary, whether named therein or not.

(2) For the purposes of exercising his powers and authority under clause (1) (a), the Registrar may at any time and from time to time enter into one or more agreements with any person or persons providing for the sale, assignment, transfer or other disposition to such person or persons of all or such part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company as may be specified in the agreement or agreements for such consideration, and on such terms and conditions, as the Registrar considers to be appropriate.

Agreement
for transfer
of assets

(3) For the purposes of exercising his powers and authority under clause (1) (b), the Registrar may at any time and from time to time enter into one or more agreements with any person or persons providing for the appointment of such person or persons as the substituted fiduciary under such instrument or instruments as may be specified or described in the agreement or agreements in respect of which Crown Trust Company is a fiduciary, whether named therein or not, for such consideration, and on such terms and conditions, as the Registrar considers to be appropriate.

Agreement
for
performance
of fiduciary
function

(4) An agreement entered into by the Registrar under subsection (2) or (3) does not have effect unless it is approved by the Lieutenant Governor in Council.

Approval of
L.G. in C.

(5) Any agreement entered into under subsection (2) or (3) shall be laid before the Assembly by the Minister of Consumer and Commercial Relations upon its approval by the Lieutenant Governor in Council, if the Assembly is then in session, or if not, at the next ensuing session.

Agreements
to be tabled

5.—(1) The provisions of the *Loan and Trust Corporations Act* respecting the sale and purchase of the assets of a trust company, including without limitation the provisions of sections 134 to 145 thereof, do not apply to any sale and purchase of any of the assets of Crown Trust Company under this Act.

Application
of R.S.O.
1980, c. 249

(2) The provisions of the *Bulk Sales Act* do not apply to any sale and purchase of any of the assets of Crown Trust Company under this Act.

Application
of R.S.O.
1980, c. 52

(3) Where, as a result of the implementation of an agreement entered into with the Registrar under section 4, the purchaser or substituted fiduciary thereunder is in contravention of any provision of the *Loan and Trust Corporations Act*, the Lieutenant Governor in Council may, upon being satisfied that a

Waiver of
provisions of
R.S.O. 1980,
c. 249

waiver or variation of the application of the provision is necessary in the public interest and to further the purpose of this Act, by order waive or vary the application of the provision for such period and subject to such terms and conditions as the Lieutenant Governor in Council specifies in the order.

Idem

R.S.O. 1980,
c. 249

(4) Where Crown Trust Company is in contravention of any provision of the *Loan and Trust Corporations Act* while the Registrar is in possession and control of its assets, the Lieutenant Governor in Council may, upon being satisfied that a waiver or variation of the application of the provision is necessary in the public interest and to further the purpose of this Act, by order waive or vary the application of the provision for such period and subject to such terms and conditions as the Lieutenant Governor in Council specifies in the order.

Application
of
R.S.O. 1980,
c. 446

(5) An order made under subsection (3) or (4) is a regulation within the meaning of the *Regulations Act*.

Substitution
of fiduciary

6.—(1) At and from the effective time of any agreement entered into with the Registrar under subsection 4 (3), every obligation and trust in respect of which Crown Trust Company is a fiduciary under an instrument or instruments specified or described in the agreement vests in, binds and may be enforced against the substituted fiduciary as fully and effectually as if the substituted fiduciary were originally named as fiduciary therein.

Substitution
of court
appointed
fiduciaries

(2) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem*,

- (a) that are issued by a court in Ontario to Crown Trust Company;
- (b) that are specified or described in an agreement entered into with the Registrar under subsection 4 (3); and
- (c) from which, at the effective time of such agreement, Crown Trust Company has not been finally discharged,

the substituted fiduciary shall, as and from that time, be substituted for Crown Trust Company for all purposes.

Substitution
of fiduciaries,
other
instruments

(3) Where an instrument specified or described in any agreement entered into with the Registrar under subsection 4 (3) names Crown Trust Company as a fiduciary or as the holder of a power of appointment, and the instrument takes effect after the effective time of such agreement, the substituted fiduciary

under such agreement shall be deemed to be named therein in the place of Crown Trust Company.

7. Where a purchaser or substituted fiduciary assumes an obligation or liability of Crown Trust Company, the obligation or liability becomes an obligation or liability of the purchaser or substituted fiduciary and may be enforced against the purchaser or substituted fiduciary as if he were a party thereto.

Enforcement
of obligations

8. Any debtor of Crown Trust Company may make payments to Crown Trust Company until the Registrar gives or causes to be given notice in writing that payment shall be made to a purchaser or substituted fiduciary, and thereupon the debtor's obligation is owed to the purchaser or substituted fiduciary.

Payments to
Crown Trust
Company

9. While the Registrar is in possession and control of the assets of the Crown Trust Company under an order made under section 158a of the *Loan and Trust Corporations Act*,

Winding up

R.S.O. 1980,
c. 249

- (a) no person other than the Registrar may apply to a court for an order for the winding up of the Crown Trust Company under Part VI of the *Corporations Act* and any application for such winding up commenced, other than by the Registrar, after the 1st day of January, 1983 shall be deemed to be stayed until the Lieutenant Governor in Council may by order otherwise direct; and
- (b) no meeting of shareholders shall be called for the purpose of passing a resolution requiring the winding up of the Crown Trust Company under Part VI of the *Corporations Act* and any such resolution passed at any meeting of shareholders shall be deemed not to become effective until the Lieutenant Governor in Council may by order direct.

R.S.O. 1980,
c. 95

10.—(1) No action or other proceeding shall be instituted and no judgment shall be enforced against a purchaser or a substituted fiduciary or a person who has entered into an agreement with the Registrar under section 3 for any act or omission of the Registrar under this Act.

Immunity of
purchaser,
substituted
fiduciary

(2) No sale, assignment, transfer or other disposition of all or any part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company under this Act shall be held invalid, set aside, declared void, prohibited, enjoined, directed or otherwise reviewed by any court at the instance of any person other than the Registrar.

Proceedings
by persons
other than
Registrar

Immunity of
Registrar

(3) No action or other proceeding shall be instituted and no judgment shall be enforced against the Registrar or anyone acting under the authority of the Registrar for any act or omission of such person under this Act, except an action against the Registrar otherwise available in law for the recovery of damages incurred as a result of any failure of the Registrar to act honestly and in good faith or to exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in discharging the duties and responsibilities of the Registrar in comparable circumstances having regard to the public interest.

Regulations
to
supplement
Act

11. The Lieutenant Governor in Council may make regulations authorizing all such acts or things not specifically provided for in this Act as, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to carry out effectively the purposes of this Act.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Crown Trust Company Act, 1983*.

CHAPTER 8

**An Act to revise the
Municipal Conflict of Interest Act**

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (b) “controlling interest” means the interest that a person has in a corporation when he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;
- (c) “council” means the council of a municipality other than an improvement district and means the board of trustees of a municipality that is an improvement district;
- (d) “elector” means,
 - (i) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and
 - (ii) in respect of a school board, a person entitled to vote at the election of members of the school board;
- (e) “interest in common with electors generally” means a pecuniary interest in common with the electors

- (f) within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;
- (f) “judge” means a judge of the county or district court of the county or district in which the municipality or the administrative or head office of the local board is situate, or if, through illness or absence there is no judge of that court able to act, a judge of the county or district court of a county or district that adjoins the county or district in which the municipality or the administrative or head office of the local board is situate;
- (g) “local board” means a school board, board of directors of a children’s aid society, committee of adjustment, committee of management of a community recreation centre, conservation authority, court of revision, land division committee, public utilities commission, public library board, board of management of an improvement area, board of park management, board of health, board of commissioners of police, planning board, district welfare administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, suburban roads commission or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board, a local services board or a negotiating committee appointed under the *Municipal Boundary Negotiations Act, 1981*;
- (h) “meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be;
- (i) “member” means a member of a council or of a local board;
- (j) “municipality” means the corporation of a county, city, town, village, township or improvement district or of a metropolitan, regional or district municipality and a board, commission or other local authority

exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

- (k) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (l) “school board” means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board and includes a divisional board of education;
- (m) “senior officer” means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- (n) “spouse” means either of a man and woman who,
 - (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or
 - (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year, or
 - (iv) not being married to each other have cohabited,
 - (A) continuously for a period of not less than five years, or
 - (B) in a relationship of some permanence where there is a child born of whom they are the natural parents,

and have so cohabited within the preceding year.

Indirect
pecuniary
interest

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) he or his nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body,
 that has a pecuniary interest in the matter; or
- (b) he is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

Interest of
certain
relatives
deemed that
of member

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

EXCEPTIONS

Where s. 5
does not
apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

- (a) as a user of any public utility service supplied to him by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of his being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of his purchasing or owning a debenture of the municipality or local board;
- (d) by reason of his having made a deposit with the municipality or local board, the whole or part of

which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other electors;

- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or under the *Local Improvement Act*; R.S.O. 1980,
cc. 126, 250
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*; R.S.O. 1980,
c. 31
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of his being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of his being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which he may be entitled by reason of being a member or under a by-law passed pursuant to section 252 of the *Municipal Act*, or as a member of a volunteer fire brigade, as the case may be; R.S.O. 1980,
c. 302
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

DUTY OF MEMBER

5.—(1) Where a member, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, he, When
present at
meeting at
which matter
considered

- (a) shall, prior to any consideration of the matter at the meeting, disclose his interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of his absence from the meeting referred to therein, the member shall disclose his interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by him after the meeting referred to in subsection (1).

RECORD OF DISCLOSURE

Disclosure to be recorded in minutes

6.—(1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.

REMEDY FOR LACK OF QUORUM

Quorum deemed constituted

7.—(1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, notwithstanding any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local

board may apply to a judge on an *ex parte* basis for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises.

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order.

Power of judge to declare s. 5 not to apply

ACTION WHERE CONTRAVENTION ALLEGED

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge.

Who may try alleged contravention of s. 5 (1-3)

9.—(1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge by way of originating notice of motion in the manner prescribed by the rules of court for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3).

Who may apply to judge

(2) The elector in his notice of motion shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3).

Contents of notice of motion

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred.

Time for bringing application limited

10.—(1) Subject to subsection (2), where the judge determines that a member or a former member while he was a member has contravened subsection 5 (1), (2) or (3), he,

Power of judge to declare seat vacant, disqualify member and require restitution

- (a) shall, in the case of a member, declare the seat of the member vacant; and
- (b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and
- (c) may, where the contravention has resulted in personal financial gain, require the member or former

member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he is a member or former member.

Saving by reason of inadvertence or *bona fide* error

(2) Where the judge determines that a member or a former member while he was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of a *bona fide* error in judgment, the member is not subject to having his seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member.

Appeal to Divisional Court

11.—(1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court.

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal.

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section.

Proceedings not invalidated but voidable

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3).

Procedure substituted for *quo warranto* proceedings

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under the provisions of this Act.

GENERAL

14.—(1) Notwithstanding section 248 of the *Municipal Act*, the council of every municipality may at any time pass by-laws for contracting for insurance to protect a member of the council or of any local board thereof, who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses.

Liability insurance, payment of damages, etc.
R.S.O. 1980, c. 302

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

Local boards

(3) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member.

Former members

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails.

Conflict with other Acts

16.—(1) Sections 63 and 64 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980, c. 302, ss. 63, 64, repealed

(2) Subsection 248 (1) of the said Act is amended by inserting after “may” in the first line “at any time” and by inserting after “proceeding” in the eighth line “except a proceeding brought under the *Municipal Conflict of Interest Act, 1983*”.

Idem, s. 248 (1), amended

17. Subsection 15(2) of the *Child Welfare Act*, being chapter 66 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

R.S.O. 1980, c. 66, s. 15 (2), re-enacted

(2) A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of the *Ontario Municipal Employees Retirement System Act* and the *Municipal Conflict of Interest Act, 1983* and not for any other purpose.

When society a local board

R.S.O. 1980, c. 348
1983, c. 8

18. Subsection 3 (6) of the *Shoreline Property Assistance Act*, being chapter 471 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 471, s. 3 (6), repealed

R.S.O. 1980,
c. 421,
s. 65 (10),
repealed

19. Subsection 65 (10) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980,
c. 85, s. 37,
repealed

20. Section 37 of the *Conservation Authorities Act*, being chapter 85 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980,
c. 500, s. 3
(2), repealed

21. Subsection 3 (2) of the *Tile Drainage Act*, being chapter 500 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal of
R.S.O. 1980,
c. 305

22. The *Municipal Conflict of Interest Act* is repealed.

Where
proceedings
to be under
R.S.O. 1980,
c. 305

23.—(1) Notwithstanding section 22, where, before the coming into force of this Act, proceedings are commenced under the *Municipal Conflict of Interest Act* or circumstances arise that give grounds for the commencement of proceedings under that Act, then the proceedings shall be continued or commenced and taken, as the case may be, under the *Municipal Conflict of Interest Act*, and not under this Act, but no such proceedings shall be commenced more than one year after this Act comes into force.

Saving

(2) Notwithstanding subsection (1), no proceeding may be commenced under the *Municipal Conflict of Interest Act* after the coming into force of this Act in respect of a member's failure to declare an interest acquired after a meeting referred to in subsection 2 (1) of that Act.

Commence-
ment

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

25. The short title of this Act is the *Municipal Conflict of Interest Act, 1983*.

CHAPTER 9

**An Act to amend the
Municipality of Metropolitan Toronto Act**

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 116 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended, s. 116,
amended

(a) by relettering clauses (a) and (b) as (bb) and (bc); and

(b) by adding thereto the following clauses:

(a) “boards” means the School Board and the boards of education;

(b) “boards of education” means the following:

1. The Board of Education for the Borough of East York.
2. The Board of Education for the Borough of Etobicoke.
3. The Board of Education for the City of North York.
4. The Board of Education for the Borough of Scarborough.
5. The Board of Education for the City of Toronto.
6. The Board of Education for the Borough of York;

(ba) “elementary school teacher” means a teacher who is a member of,

- (i) L'Association des Enseignants Franco-Ontariens, if the major portion of the teacher's teaching assignment is at the elementary school level,
- (ii) The Federation of Women Teachers' Associations of Ontario, or
- (iii) The Ontario Public School Men Teachers' Federation;

.

(f) "secondary school teacher" means a teacher who is a member of,

- (i) L'Association des Enseignants Franco-Ontariens, if less than the major portion of the teacher's teaching assignment is at the elementary school level, or
- (ii) The Ontario Secondary School Teachers' Federation.

s. 116,
amended

(2) The said section 116 is further amended by adding thereto the following subsection:

Interpre-
tation

(2) In this Part,

R.S.O. 1980,
c. 464

(a) "agreement" (in relation to the employment of teachers), "branch affiliate" and "teacher" have the same meanings as in the *School Boards and Teachers Collective Negotiations Act*; and

R.S.O. 1980,
c. 129

(b) "elementary school" and "secondary school" have the same meanings as in the *Education Act*.

s. 118 (4),
re-enacted

2.—(1) Subsection 118 (4) of the said Act is repealed and the following substituted therefor:

Election and
term of office

(4) The election of members of the boards of education shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

Transitional

(2) The members of the boards of education mentioned in section 118 of the said Act elected to office in the regular election in 1982 shall hold office for a term of three years and until their successors are elected and a new board organized.

3. Subsection 121 (3) of the said Act is amended by striking out “or otherwise participate” in the seventh line.

s. 121 (3),
amended

4. Subsection 124 (1) of the said Act is repealed and the following substituted therefor:

s. 124 (1),
re-enacted

(1) Ten members of the School Board are necessary to form a quorum when the School Board is dealing with matters that affect public schools exclusively and eleven members of the School Board are necessary to form a quorum in all other cases, and the concurring votes of a majority of the members of the School Board present who are entitled to vote on any matter are necessary to carry such matter.

Quorum
voting

5. Section 125 of the said Act is repealed and the following substituted therefor:

s. 125,
re-enacted

125.—(1) Except as provided in this section and in subsection 126 (5), the members of the School Board appointed by boards of education shall hold office while they are members of their respective boards of education and until their successors take office and a new board is organized.

Term of
office

(2) Where as a result of a change in the chairmanship of a board of education, a member of the board of education who is also a member of the School Board becomes chairman of such board of education, his seat on the School Board, otherwise than as chairman of the board of education, becomes vacant, and another member of the board of education shall be appointed to fill the vacancy.

Chairman of
board of
education

(3) A member of the School Board appointed by a board of education and who is not the chairman of the School Board may, with the consent,

Resignation
by member
of School
Board

- (a) of the board of education that appointed him; and
- (b) of a majority of the members of the School Board present at a meeting, entered upon the minutes of it,

resign as a member without resigning from the board of education, but he shall not vote on a motion as to his own resignation and may not resign as a member of the School Board if his resignation will reduce the number of members of the School Board to less than a quorum under subsection 124 (1).

(4) The appointment of members of the School Board by the Metropolitan Separate School Board shall be made at the first meeting of the Metropolitan Separate School Board in each year after the regular elections in the area municipalities have

Members
appointed by
Metropolitan
Separate
School Board

been held, and such members, except as provided in subsection (5) and subsection 126 (5), shall hold office until their successors take office and a new School Board is organized.

Resignation
of member
appointed by
Metropolitan
Separate
School Board

(5) A member of the School Board appointed by the Metropolitan Separate School Board may, with the consent,

(a) of the Metropolitan Separate School Board; and

(b) of a majority of the members of the School Board present at a meeting, entered upon the minutes of it,

resign as a member, but shall not vote on a motion as to his own resignation and may not resign as a member of the School Board if his resignation will reduce the number of members of the School Board to less than a quorum for secondary school purposes.

s. 127 (1) (f),
amended

6.—(1) Clause 127 (1) (f) of the said Act is amended by striking out “and to pay to each member who is a member of a board of education an allowance not exceeding \$2,400 per annum and to each member appointed by the Metropolitan Separate School Board an allowance not exceeding \$1,200 per annum, and to the chairman of the School Board an additional allowance not exceeding one-third of the allowance paid to him as a member of the School Board” in the fifth to twelfth lines.

s. 127,
amended

(2) Section 127 of the said Act is amended by adding thereto the following subsections:

Allowances

(1a) The School Board may pay,

(a) to each member of the School Board an allowance in such amount as is determined by the School Board for members;

(b) to each alternate member of the School Board an allowance in such amount as is determined by the School Board for alternate members; and

(c) to the chairman of the School Board, in addition to the allowance under clause (a) or (b), an allowance in such amount as is determined by the School Board for the chairman.

When
applicable

(1b) A determination under subsection (1a) applies only in respect of allowances to members, alternate members and the chairman of the School Board after the regular election of

members of boards of education in the Metropolitan Area next following the day of the determination.

(1c) The School Board may decrease the amount of an allowance determined under subsection (1a) and the decrease is effective on the date specified by the School Board.

Decrease

(3) When the School Board submits its estimates for public elementary school purposes and for secondary school purposes to the Metropolitan Council, the School Board shall also provide the Metropolitan Council with a statement of the portions of the amount required for public elementary school purposes and for secondary school purposes that the School Board has determined shall be apportioned to each area municipality in accordance with subsection (6).

Apportionment by School Board

(4) Where the estimates for public elementary or for secondary school purposes of a board of education in the Metropolitan Area that are approved in whole or in part by the School Board have been reduced in accordance with clause 133 (1) (b) by the application of a surplus, the School Board shall, except where it considers that the surplus is attributable to the provision of moneys pursuant to clause 133 (9) (b), reduce the apportionment for public elementary or for secondary school purposes, as the case may be, to the area municipality in which the board of education has jurisdiction by an amount that, in the opinion of the School Board, is equal to the portion of the surplus that was raised by local taxation in the area municipality.

Reduction of apportionment

(5) Where the estimates for public elementary or for secondary school purposes of a board of education in the Metropolitan Area provide for a deficit of a previous year and the estimates have been approved by the School Board in whole or in part, the School Board shall increase the apportionment that would otherwise be made for public elementary or for secondary school purposes, as the case may be, to the area municipality in which the board of education has jurisdiction, by an amount that does not exceed the amount of the deficit, and in determining the amount of the increase in the apportionment the School Board shall give consideration to any circumstances that, in the opinion of the School Board, contributed to the size of the deficit and could not reasonably have been foreseen.

Increase of apportionment

(6) For the purpose of determining the apportionment to the area municipalities in the Metropolitan Area of the sums required for public elementary and for secondary school purposes, the School Board shall remove from the amount of its estimates submitted separately for public elementary and for

Calculation of apportionment

secondary school purposes to the Metropolitan Council under clause (1) (g) the portions of the surpluses to be used for reducing apportionments under subsection (4) and the portions of the deficits to be used for increasing apportionments under subsection (5) and shall apportion the remainder of the amount of the estimates for public elementary and for secondary school purposes, as the case may be, in the proportion,

- (a) that the total rateable property for public school purposes in respect of each area municipality bears to the total rateable property in the Metropolitan Area for public school purposes; and
- (b) that the total rateable property for secondary school purposes in respect of each area municipality bears to the total rateable property in the Metropolitan Area for secondary school purposes,

and each apportionment so determined shall then be adjusted by the School Board by reduction under subsection (4) or increase under subsection (5).

Interpre-
tation

(7) In this section,

R.S.O. 1980,
c. 129

- (a) “commercial assessment” has the same meaning as in clause 220 (a) of the *Education Act*;
- (b) “residential and farm assessment” has the same meaning as in clause 220 (b) of the *Education Act*;
- (c) “total rateable property”,
 - (i) in relation to an area municipality, means the sum of,
 - (A) residential and farm assessment,
 - (B) commercial assessment, and
 - (C) the valuations of properties in respect of which a portion of the payments in lieu of taxes paid by the Crown in right of Canada or a province or any board, commission, corporation or other agency of the Crown in right of Canada or a province or by Ontario Hydro is required by law to be allocated for school purposes,

in the area municipality, and

(ii) in relation to the Metropolitan Area, means the sum of the total rateable property of the area municipalities in the Metropolitan Area.

7. The said Act is amended by adding thereto the following sections: ss. 130a-130i, enacted

130a.—(1) There shall be only one agreement at any one time, and only one set of negotiations to make or renew the agreement, respecting the terms and conditions of employment described in subsection (3) between the boards and the branch affiliates that represent the elementary school teachers employed by the boards. Elementary school agreement

(2) There shall be only one agreement at any one time, and only one set of negotiations to make or renew the agreement, respecting the terms and conditions of employment described in subsection (3) between the boards and the secondary school teachers employed by the boards. Secondary school agreement

(3) The terms and conditions of employment referred to in subsections (1) and (2) are salaries and financial benefits of teachers and the method by which the number of teachers to be employed by a board is determined. Contents of agreement

(4) In this section, “financial benefits” means, Interpretation

- (a) compensation other than salary payable or provided directly or indirectly except money paid in reimbursement of expenses incurred in the performance of duties;
- (b) a benefit that, at the date the agreement under which the benefit is provided is ratified, has a value that is required to be included in income under the *Income Tax Act* (Canada); and
- (c) an insured employee benefit.

R.S.C. 1980, c. 148

130b.—(1) The School Board and the boards of education shall act together as one party in negotiations and proceedings related to making or renewing an agreement mentioned in section 130a. Joint negotiations by boards

(2) Negotiations on behalf of the School Board and the boards of education related to making or renewing an agreement mentioned in section 130a shall be carried out under the direction of a committee with each of the boards appointing one member of the committee. Committee

Decisions by
committee

(3) A decision by the majority of the members of the committee, representing together the employers of a majority of the elementary school teachers or secondary school teachers (as the case requires), is the decision of the committee.

Ratification
by boards

(4) A decision by the committee to approve an agreement mentioned in section 130a is not effective until the decision is ratified by a majority of the boards and the majority employs the majority of the elementary school teachers or secondary school teachers, as the case requires.

Replacement
of member of
committee

(5) The School Board may remove from the committee a person appointed by the School Board and a board of education may remove from the committee a person appointed by the board of education, but the School Board or board of education (as the case requires) shall appoint another person to the committee in the place of the person removed.

Joint negoti-
ations by
elementary
school
branch
affiliates

130c.—(1) The branch affiliates that represent the elementary school teachers employed by the boards shall act together as one party in negotiations and proceedings related to making or renewing an agreement mentioned in section 130a.

Committee

(2) Negotiations on behalf of the branch affiliates mentioned in subsection (1) shall be carried out under the direction of a committee, with each of the branch affiliates appointing one member of the committee.

Appoint-
ments

(3) Two or more branch affiliates may each appoint the same person to be a member of the committee under subsection (2).

Joint negoti-
ations by
secondary
school
branch
affiliates

130d.—(1) The branch affiliates that represent the secondary school teachers employed by the boards shall act together as one party in negotiations and proceedings related to making or renewing an agreement mentioned in section 130a.

Committee

(2) Negotiations on behalf of the branch affiliates mentioned in subsection (1) shall be carried out under the direction of a committee, with each of the branch affiliates appointing one member of the committee.

Appoint-
ments

(3) Two or more branch affiliates may each appoint the same person to be a member of the committee under subsection (2).

Committee

130e.—(1) A committee directing negotiations on behalf of branch affiliates may determine its own procedures.

(2) A decision by a committee to approve an agreement mentioned in section 130a is not effective until the decision is ratified.

Ratification

- (a) by a majority of the elementary school teachers or secondary school teachers, as the case may be, who are employed by the boards and participate in the ratification vote; and
- (b) by a majority of the elementary school teachers or secondary school teachers, as the case may be, who participate in the ratification vote mentioned in clause (a) conducted among the elementary school teachers or secondary school teachers, as the case may be, employed by each of a majority of the boards.

130f.—(1) The boards and the branch affiliates that represent the elementary school teachers employed by the boards may include in an agreement between them mentioned in section 130a any other term or condition of employment that is agreed upon by the School Board, all the boards of education and all the branch affiliates that represent the elementary school teachers employed by the boards.

Additional provision of elementary school agreement

(2) The boards and the branch affiliates that represent the secondary school teachers employed by the boards may include in an agreement between them mentioned in section 130a any other term or condition of employment of the teachers that is agreed upon by the School Board, all the boards of education and all the branch affiliates that represent the secondary school teachers employed by the boards.

Additional provision of secondary school agreement

130g.—(1) A board and the branch affiliates that represent the elementary school teachers employed by the board may negotiate and enter into or renew an agreement respecting a term or condition of employment that is not within the scope of the negotiations or the agreement mentioned in section 130a.

Elementary school local agreement

(2) A board and the branch affiliates that represent the secondary school teachers employed by the board may negotiate and enter into or renew an agreement respecting a term or condition of employment that is not within the scope of the negotiations or the agreement mentioned in section 130a.

Secondary school local agreement

(3) No board or branch affiliate shall make or renew an agreement respecting a term or condition mentioned in subsection (1) or (2) until an agreement mentioned in subsection 130a

Priority

R.S.O. 1980,
c. 464

(1) or (2), as the case requires, is made or renewed in accordance with this Part and the *School Boards and Teachers Collective Negotiations Act*.

Separate
proceedings

(4) Negotiations to make or renew an agreement mentioned in section 130a and negotiations to make or renew an agreement mentioned in subsection (1) or (2) may proceed simultaneously and the *School Boards and Teachers Collective Negotiations Act* applies separately in respect of each such agreement and the negotiations and proceedings in respect of each such agreement.

Application
of
R.S.O. 1980,
c. 464

130h.—(1) Except as modified by this Part, the *School Boards and Teachers Collective Negotiations Act* applies to negotiations, proceedings and agreements between the boards and the branch affiliates that represent the teachers employed by the boards.

Application
of ss. 130a to
130i

(2) Sections 130a to 130i do not apply in respect of an agreement or negotiations to make or renew an agreement that is to come into force before the 1st day of September, 1983.

Term of
agreement

(3) An agreement that is to come into force before the 1st day of September, 1983 shall be for a term that ends on the 31st day of August, 1983.

Application
of Part

(4) No agreement between a board and a branch affiliate that comes into force on or after the 1st day of September, 1983 is valid unless the agreement is made or renewed in accordance with this Part.

Application
of 1982, c. 55

(5) Subsections (1) to (4) are subject to the *Inflation Restraint Act, 1982*.

Board not to
implement
variant term
or condition
of
employment

130i.—(1) No board shall implement a term or condition of employment that is at variance from or inconsistent with an agreement mentioned in section 130a.

Direction by
O.L.R.B.

(2) Where, on the application of a board, the Ontario Labour Relations Board is satisfied that a board is implementing a term or condition of employment that is within the scope of and that is at variance from or inconsistent with an agreement mentioned in section 130a, the Ontario Labour Relations Board may so declare and may direct what action boards, branch affiliates, and their employees and agents shall do or refrain from doing with respect to the term or condition of employment.

(3) The Ontario Labour Relations Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under subsection (1), exclusive of the reasons therefor, and the direction shall be entered and is enforceable in the same way as a judgment or order of the Supreme Court.

Enforcement

(4) The *Labour Relations Act* applies with necessary modifications in respect of proceedings before the Ontario Labour Relations Board under this section.

Application
of
R.S.O. 1980,
c. 228

8. The said Act is further amended by adding thereto the following section:

s. 130j,
enacted

130j.—(1) In this section,

Interpre-
tation

(a) “additional”, in relation to teachers, means in addition to the teachers that a board is entitled to employ under an agreement under section 130a;

(b) “school year” has the same meaning as in the *Education Act*;

R.S.O. 1980,
c. 129

(c) “total rateable property” means “total rateable property” as defined in subclause 127 (7) (c) (i).

(2) A board of education may employ in a year more elementary school teachers or secondary school teachers or both than the board of education is entitled to employ under an agreement under section 130a if the expenditure attributable to the employment of the additional teachers,

Employment
of additional
teachers

(a) is not included in the portion of the estimates of the board of education approved by the School Board; and

(b) does not exceed, in the case of elementary school teachers, a sum calculated at one and one-half mills in the dollar upon the total rateable property for public elementary school purposes according to the assessment roll on which taxes were levied in 1983 or, in the case of secondary school teachers, a sum calculated at one mill in the dollar upon the total rateable property for secondary school purposes according to the assessment roll on which taxes were levied in 1983.

(3) Where in a year the School Board has increased the apportionment of an area municipality under subsection 127 (5) for public elementary or secondary school purposes or both, the maximum amount of expenditure attributable to the

Limitation

employment of the additional teachers limited by clause (2) (b) shall be reduced,

- (a) in the case of the employment of elementary school teachers, by the amount if any by which the apportionment was increased under subsection 127 (5) for public elementary school purposes; and
- (b) in the case of the employment of secondary school teachers, by the amount if any by which the apportionment was increased under subsection 127 (5) for secondary school purposes.

Termination
of
employment,
additional
elementary
school
teachers

(4) Where the increase in the apportionment mentioned in subsection (3) exceeds a sum calculated at one and one-half mills in the dollar upon the total rateable property for public elementary school purposes according to the assessment roll on which taxes were levied in 1983, the board of education,

- (a) shall not continue the employment of the additional elementary school teachers beyond the end of the school year that ends in the year in which the apportionment is increased; and
- (b) shall not employ more additional elementary school teachers in the year in which the apportionment is increased.

Termination
of
employment,
secondary
school
teachers

(5) Where the increase in the apportionment mentioned in subsection (3) exceeds a sum calculated at one mill in the dollar upon the total rateable property for secondary school purposes according to the assessment roll on which taxes were levied in 1983, the board of education,

- (a) shall not continue the employment of the additional secondary school teachers beyond the end of the school year that ends in the year in which the apportionment is increased; and
- (b) shall not employ more additional secondary school teachers in the year in which the apportionment is increased.

Determi-
nation as to
number of
teachers

(6) For the purposes of subsections (1) to (5) in respect of the period from and including the 1st day of January, 1983 to the day that an agreement under section 130a comes into force, the School Board may determine, in such manner as the School Board considers proper, the number of teachers that a board is entitled to employ under an agreement under section 130a.

9.—(1) Subsection 133 (1) of the said Act is amended by adding thereto the following clause:

s. 133 (1),
amended

- (e) shall set forth separately the estimated expenditure in respect of the employment of teachers under section 130j in addition to the number of teachers that the board is entitled to employ under an agreement under section 130a that provides the method by which the number of teachers to be employed by the board is determined.

(2) Clauses 133 (4) (a) and (b) of the said Act are repealed and the following substituted therefor:

s. 133 (4) (a,
b),
re-enacted

- (a) the aggregate estimates of all sums required for public elementary school purposes and the aggregate of the revenues for such purposes to be derived from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum calculated at one and one-half mills in the dollar upon the total rateable property (as defined in section 127) in the area municipality for public school purposes less the amount of the increase, if any, in the amount of the apportionment to the area municipality for public elementary school purposes under subsection 127 (6); and
- (b) the aggregate estimates of all sums required for secondary school purposes and the aggregate of the revenues for such purposes to be derived from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum calculated at one mill in the dollar upon the total rateable property (as defined in section 127) in the area municipality for secondary school purposes less the amount of the increase, if any, in the amount of the apportionment to the area municipality for secondary school purposes under subsection 127 (6).

10. Subsections 219 (3) and (4) of the said Act are repealed and the following substituted therefor:

s. 219 (3, 4),
re-enacted

- (3) The amount levied under subsection (1) for public school purposes shall be apportioned among the area municipalities in the amounts determined by the School Board under section 127.

Elementary
school
purposes

Secondary
school
purposes

(4) The amount levied under subsection (1) for secondary school purposes shall be apportioned among the area municipalities in the amounts determined by the School Board under section 127.

Application
of certain
sections

11.—(1) The following apply only in respect of estimates and apportionments in 1983 and subsequent years:

1. Subsections 127 (3) to (7) of the said Act, as enacted by section 6.
2. Clause 133 (1) (e) of the said Act, as enacted by section 9.
3. Clauses 133 (4) (a) and (b) of the said Act, as re-enacted by section 9.
4. Subsections 219 (3) and (4) of the said Act, as re-enacted by section 10.

Idem

(2) Sections 127, 133 and 219 of the said Act, as they existed before the coming into force of this Act, continue to apply in respect of estimates and apportionments in 1982.

Commence-
ment

12.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1983.

Short title

13. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983*.

CHAPTER 10

An Act respecting the Protection and Promotion of the Health of the Public

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

1. “Board” means the Health Protection Appeal Board under this Act;
2. “board of health” means a board of health established or continued under this Act and includes,
 - i. the board of health under the *County of Oxford Act*, R.S.O. 1980,
c. 365
 - ii. a board of health under an Act establishing or continuing a regional municipality, and
 - iii. a regional corporation that, under the Act establishing or continuing the regional corporation, has the powers, rights and duties of a local board of health or of a board of health;
3. “Chief Medical Officer of Health” means the Chief Medical Officer of Health under this Act;
4. “communicable disease” means a disease specified as a communicable disease by regulation made by the Minister;
5. “dwelling unit” means real property used or designed for use as a home or as a place in which one or more persons may sleep;

6. "food" means food or drink for human consumption, and includes an ingredient of food or drink for human consumption;
7. "food premise" means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence;
8. "guidelines" means guidelines published by the Minister under this Act;
9. "health hazard" means,
 - i. a condition of a premises,
 - ii. a substance, thing, plant or animal other than man, or
 - iii. a solid, liquid, gas or combination of any of them,that has or that is likely to have an adverse effect on the health of any person;
10. "health unit" means an area that, by or under any Act, is the area of jurisdiction of a board of health;
11. "mandatory", in relation to a health program or service, means a health program or service mentioned in section 5;
12. "medical officer of health" means a medical officer of health of a board of health;
13. "milk" means milk from cows, goats or sheep;
14. "Minister" means Minister of Health;
15. "Ministry" means Ministry of Health;
16. "municipal member", in relation to a board of health, means a person appointed to the board of health by the council of a municipality;
17. "municipality" means the corporation of a county, city, town, village, township or improvement district or of a district, metropolitan or regional municipality and a board, commission or other local authority

exercising any power in respect of municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

18. “occupier” includes,

- i. a person who is in physical possession of premises,
- ii. a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, or
- iii. a person for the time being receiving the rent of premises, whether as principal or as agent or trustee for another person, or who would so receive the rent if the premises were let, or who is responsible for the payment of municipal taxes,

notwithstanding that there is more than one occupier of the same premises;

19. “operator”, in relation to a food premise, means a person who has responsibility for and control over an activity there carried on, notwithstanding that there is more than one operator of the same food premise;

20. “physician” means a legally qualified medical practitioner;

21. “premises” means lands and structures, or either of them, and includes,

- i. water,
- ii. ships and vessels,
- iii. trailers and portable structures designed or used for residence, business or shelter,
- iv. trains, railway cars, vehicles and aircraft;

22. “public health inspector” means a public health inspector of a board of health;

23. “public health nurse” means a public health nurse of a board of health;

24. "public pool" means a structure, basin, chamber or tank containing or intended to contain an artificial body of water for swimming, water sport, water recreation or entertainment, but does not include,
- i. one that is located on a private residential property under the control of the owner or occupant and that is limited to use for swimming or bathing by the owner or occupant, members of his family and their visitors, or
 - ii. one that is used solely for commercial display and demonstration purposes;
25. "regulations" means regulations made under this Act;
26. "reportable disease" means a disease specified as a reportable disease by regulation made by the Minister;
27. "residential building" means a structure that contains one or more dwelling units;
28. "sanitary facilities" means a room or rooms containing one or more toilets and one or more washbasins;
29. "school" means a "private school" and a "school" as defined in the *Education Act*;
30. "school board" means a board as defined in the *Education Act*;
31. "sexually transmitted disease" means a disease caused by an infectious agent usually transmitted during sexual contact;
32. "virulent disease" means,
- i. Cholera,
 - ii. Diphtheria,
 - iii. Ebola virus disease,
 - iv. Gonorrhoea,
 - v. Hemorrhagic fever,
 - vi. Lassa fever,

- vii. Leprosy,
- viii. Marburg virus disease,
- ix. Plague,
- x. Syphilis,
- xi. Smallpox,
- xii. Tuberculosis,

or a disease specified as a virulent disease by regulation made by the Minister.

(2) An order under this Act that requires the closing of premises is an order, Closing of premises

- (a) to shut the premises so as to prevent entrance or access to the premises by any person; and
- (b) to suspend the operation of any enterprise or activity on or in the premises,

except by such persons or for such purposes as are specified in the order.

2. The purpose of this Act is to provide for the organization and delivery of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people of Ontario. Purpose

3. This Act binds the Crown. Act binds Crown

PART II

HEALTH PROGRAMS AND SERVICES

- 4.** Every board of health, Duty of board of health
- (a) shall superintend, provide or ensure the provision of the health programs and services required by this Act and the regulations to the persons who reside in the health unit served by the board; and
 - (b) shall perform such other functions as are required by or under this or any other Act.

Mandatory
health
programs and
services

5. Every board of health shall superintend, provide or ensure the provision of health programs and services in the following areas:

1. Community sanitation, to ensure the maintenance of sanitary conditions and the prevention or elimination of health hazards.
2. Control of communicable diseases, including provision of immunization services to children and adults.
3. Preventive dentistry, including provision of preventive dental services to persons residing in the health unit and provision of dental health education, oral hygiene and fluoride therapy programs to school children.
4. Family health, including,
 - i. provision of counselling services,
 - ii. establishment of family planning services,
 - iii. programs to identify pregnant women who are in high-risk health categories,
 - iv. provision of health services to infants, pregnant women in high-risk health categories and the elderly,
 - v. provision of preschool and school health services,
 - vi. collection and analysis of epidemiological data.
5. Home care services that are insured services under the *Health Insurance Act*, including services to the acutely ill and the chronically ill.
6. Nutrition, including provision of consulting and educational services and identification of nutrition services needed by persons residing in the health unit served by the board of health.
7. Public health education, including education in the prevention and control of life-style diseases.
8. Such additional health programs and services as are prescribed by the regulations.

R.S.O. 1980,
c. 197

6.—(1) Every board of health shall provide such of the health programs and services as are prescribed by the regulations for the purposes of this section to the pupils attending schools within the health unit served by the board of health.

School pupils

(2) Subsection (1) does not apply in respect of pupils attending a school unless the person or organization that operates the school has agreed to the provision of the particular health program or service to the pupils attending the school.

Consent of school

(3) Subsection (1) applies only in respect of the classifications of pupils prescribed by the regulations in respect of a health program or service.

Application of subs. (1)

(4) Where a board of health is required by this Act or the regulations, on request of a person or organization that operates a school, to provide or ensure the provision of a health program or service, no person or organization that operates a school in the health unit served by the board of health shall provide or ensure the provision of the health program or service to a pupil in the school without the approval of the medical officer of health for the health unit.

Prohibition

(5) Subsections (1) to (4) shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the *Constitution Act, 1867* and the *Education Act*.

Separate school rights preserved
1867, c. 3;
R.S.O. 1980,
c. 129

7.—(1) The Minister may publish guidelines for the provision of mandatory health programs and services and every board of health shall comply with the published guidelines.

Guidelines

(2) Guidelines shall be transmitted to each board of health and shall be available for public inspection in the Ministry.

Idem

(3) A guideline is not a regulation within the meaning of the *Regulations Act*.

Application of R.S.O.
1980, c. 446

(4) In the event of conflict between a regulation and a guideline, the regulation prevails.

Conflict

8. A board of health is not required by this Part to provide or ensure the provision of a mandatory health program or service referred to in this Part except to the extent and under the conditions prescribed by the regulations and the guidelines.

Extent of programs and services

9. A board of health may provide any other health program or service in any area in the health unit served by the board of health if,

Optional health programs and services

- (a) the board of health is of the opinion that the health program or service is necessary or desirable, having regard to the needs of persons in the area; and
- (b) the councils of the municipalities in the area approve of the provision of the health program or service.

PART III

COMMUNITY HEALTH PROTECTION

Duty to inspect

10.—(1) Every medical officer of health shall inspect or cause the inspection of the health unit served by him for the purpose of preventing, eliminating and decreasing the effects of health hazards in the health unit.

Idem

(2) The duty of every medical officer of health under subsection (1) includes, but is not limited to, the duty to inspect or cause the inspection of the following:

1. Food premises and any food and equipment thereon or therein.
2. Premises used or intended for use as a boarding house or lodging house.

Complaint re health hazard related to occupational or environmental health

11.—(1) Where a complaint is made to a board of health or a medical officer of health that a health hazard related to occupational or environmental health exists in the health unit served by the board of health or the medical officer of health, the medical officer of health shall notify the ministry of the Government of Ontario that has primary responsibility in the matter and, in consultation with the ministry, the medical officer of health shall investigate the complaint to determine whether the health hazard exists or does not exist.

Report

(2) The medical officer of health shall report the results of the investigation to the complainant, but shall not include in the report medical information in respect of a person other than the complainant without the consent of the person or, in the case of a child, of a parent or other person who has lawful custody of the child.

Duty of M.O.H. re occupational and environmental health

12.—(1) Every medical officer of health shall keep himself informed in respect of matters related to occupational and environmental health.

Provision of information to M.O.H.

(2) The Ministry of the Environment, the Ministry of Health, the Ministry of Labour or a municipality shall provide to a medical officer of health such information in respect of any

matter related to occupational or environmental health as is requested by the medical officer of health, is in the possession of the ministry or municipality and the ministry or municipality is not prohibited by law from disclosing.

13.—(1) A medical officer of health or a public health inspector, in the circumstances mentioned in subsection (2), by a written order may require a person to take or to refrain from taking any action that is specified in the order in respect of a health hazard.

Order by
M.O.H. or
public health
inspector re
health hazard

(2) A medical officer of health or a public health inspector may make an order under this section where he is of the opinion, upon reasonable and probable grounds,

Condition
precedent to
order

- (a) that a health hazard exists in the health unit served by him; and
- (b) that the requirements specified in the order are necessary in order to decrease the effect of or to eliminate the health hazard.

(3) In an order under this section, a medical officer of health or a public health inspector may specify the time or times when or the period or periods of time within which the person to whom the order is directed must comply with the order.

Time

(4) An order under this section may include, but is not limited to,

Idem

- (a) requiring the vacating of premises;
- (b) requiring the owner or occupier of premises to close the premises or a specific part of the premises;
- (c) requiring the placarding of premises to give notice of an order requiring the closing of the premises;
- (d) requiring the doing of work specified in the order in, on or about premises specified in the order;
- (e) requiring the removal of anything that the order states is a health hazard from the premises or the environs of the premises specified in the order;
- (f) requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;
- (g) requiring the destruction of the matter or thing specified in the order;

- (h) prohibiting or regulating the manufacturing, processing, preparation, storage, handling, display, transportation, sale, offering for sale or distribution of any food or thing;
- (i) prohibiting or regulating the use of any premises or thing.

Person
directed

(5) An order under this section may be directed to a person,

- (a) who owns or is the occupier of any premises but where an order is directed to the occupier, the person making the order shall deliver or cause the delivery of a copy of the order to the owner of the premises;
- (b) who owns or is in charge of any substance, thing, plant or animal or any solid, liquid, gas or combination of any of them; or
- (c) who is engaged in or administers an enterprise or activity,

in the health unit served by the medical officer of health or the public health inspector.

Reasons for
order

(6) An order under this section is not effective unless the reasons for the order are set out in the order.

Oral order

(7) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the hazard to the health of any person, the medical officer of health or the public health inspector may make the order orally and subsection (6) does not apply to the order.

Description
of person
directed

(8) It is sufficient in an order under this section to direct the order to a person or persons described in the order, and an order under this section is not invalid by reason only of the fact that a person to whom the order is directed is not named in the order.

Directions by
M.O.H.

14.—(1) A medical officer of health, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the persons whose services are engaged by or to agents of the board of health of the health unit served by the medical officer of health.

When
M.O.H. may
give
directions

(2) A medical officer of health may give directions in accordance with subsection (3) where the medical officer of health is of the opinion, upon reasonable and probable grounds, that a

health hazard exists in the health unit and the person to whom an order is or would be directed under section 13,

- (a) has refused to or is not complying with the order;
- (b) is not likely to comply with the order promptly;
- (c) cannot be readily identified or located and as a result the order would not be carried out promptly; or
- (d) requests the assistance of the medical officer of health in eliminating or decreasing the effect of the health hazard.

(3) Under this section, a medical officer of health may direct the persons whose services are engaged by or the agents of the board of health of the health unit served by the medical officer of health to take such action as is specified in the directions in respect of eliminating or decreasing the health hazard.

Contents of
directions

(4) Directions under this section may include, but are not limited to,

Idem

- (a) authorizing and requiring the placarding of premises specified in the directions to give notice of the existence of a health hazard or of an order made under this Act, or both;
- (b) requiring the doing of work specified in the directions in, on or about any premises;
- (c) requiring the removal of anything that the directions state is a health hazard from premises or the environs of premises specified in the directions;
- (d) requiring the detention of any matter or thing removed from any premises or the environs of any premises;
- (e) requiring the cleaning or disinfecting, or both, of any premises or thing specified in the directions;
- (f) requiring the destruction of any thing specified in the directions.

15.—(1) The expenses incurred by a board of health in respect of a health hazard in, on or of any premises may be recovered from the owner or the occupier, or both, of the premises, with costs, by the board of health by action in a court of competent jurisdiction.

Recovery of
expenses by
action

Statement to
municipal
clerk

(2) In the alternative, where costs and expenses of a board of health that may be recovered from the owner or occupier of premises are not paid within sixty days after a demand to the owner or occupier for payment, the secretary of the board of health may transmit to the clerk of the municipality in which the premises are situated a statement setting out,

- (a) the amount of the costs and expenses;
- (b) the name of the owner of the premises; and
- (c) the location of the premises.

Collection

(3) Upon receipt of the statement, the clerk of the municipality shall enter the amount in the collector's roll and the amount shall be collected in the same manner as municipal real property taxes and the amount collected shall be paid over to the board of health.

Recovery by
occupier

(4) Where an amount recovered by a board of health after a demand or under subsection (1) from an occupier of premises is, between the occupier and the owner of the premises, the responsibility of the owner, the occupier is entitled to recover the amount from the owner or to deduct the amount from any other amount due from the occupier to the owner.

Recovery by
owner

(5) Where an amount recovered by a board of health after a demand or under subsection (1) or (3) from an owner of premises is, between the owner and the occupier, the responsibility of the occupier, the owner is entitled to recover the amount from the occupier or to add the amount to any other amount due from the occupier to the owner.

Food
premises

16.—(1) Every person who operates a food premise shall maintain and operate the food premise in accordance with the regulations.

Notice of
intention to
commence
operation

(2) Every person who intends to commence to operate a food premise shall give notice of his intention to the medical officer of health of the health unit in which the food premise will be located.

Persons
employed on
or in food
premises

(3) Every person employed on or in a food premise shall comply with the standards and requirements prescribed by the regulations for such persons.

Information

(4) Every person who operates a food premise shall furnish the medical officer of health of the health unit in which the food premise is located with such information as the medical officer of health requests in respect of the manufacturing,

processing, preparation, storage, handling, display, transportation, sale or offering for sale of any food on or in the food premise and the distribution of food from the food premise.

(5) Every person who operates a food premise shall keep such records in respect of the manufacturing, processing, preparation, storage, handling, display, transportation and sale, or offering for sale of food on or in the food premise and the distribution of food from the food premise as are prescribed by the regulations, and shall keep the records in such form, with such detail and for such length of time as are prescribed by the regulations.

Records

17. No person shall sell or offer for sale any food that is unfit for human consumption by reason of disease, adulteration, impurity or other cause.

Sale of diseased food

18.—(1) No person shall sell, offer for sale, deliver or distribute milk or cream that has not been pasteurized or sterilized in a plant that is licensed under the *Milk Act* or in a plant outside Ontario that meets the standards for plants licensed under the *Milk Act*.

Unpasteurized or unsterilized milk
R.S.O. 1980, c. 266

(2) No person shall sell, offer for sale, deliver or distribute a milk product processed or derived from milk that has not been pasteurized or sterilized in a plant that is licensed under the *Milk Act* or in a plant outside Ontario that meets the standards for plants licensed under the *Milk Act*.

Milk products

(3) Subsection (1) does not apply in respect of milk or cream that is sold, offered for sale, delivered or distributed to a plant licensed under the *Milk Act*.

Exception

(4) In subsection (2), “milk product” means a product processed or derived in whole or mainly from milk.

Interpretation

19.—(1) A medical officer of health or a public health inspector who is of the opinion, upon reasonable and probable grounds, that a condition of any substance, thing, plant or animal other than man is a health hazard may seize or cause the seizure of the substance, thing, plant or animal.

Seizure

(2) The medical officer of health or public health inspector shall detain the substance, thing, plant or animal pending such examination or investigation as is necessary in his opinion or as is requested by the owner or person from whom the substance, thing, plant or animal was seized, to determine the existence of the health hazard.

Examination

Return

(3) Where the examination or investigation indicates that a health hazard is not present, the medical officer of health or public health inspector shall release the substance, thing, plant or animal to the owner or person from whom it was seized.

Destruction

(4) Where the examination or investigation indicates that a health hazard is present, the medical officer of health or public health inspector shall destroy or dispose of the substance, thing, plant or animal or take such other action as will eliminate or decrease the health hazard.

Food

(5) Where food is seized under this section and the medical officer of health or public health inspector is of the opinion, upon reasonable and probable grounds, that the condition of the food is a health hazard, subsections (2) and (3) do not apply and he may destroy or dispose of the food or cause it to be destroyed or disposed of without further examination or investigation.

Facilities
required in
residential
buildings

20. Every person who owns a residential building shall provide,

- (a) potable water; and
- (b) sanitary facilities or a privy,

for the residents of the residential building.

PART IV

COMMUNICABLE DISEASES

Interpre-
tation

21.—(1) In this Part,

- (a) “institution” means,

R.S.O. 1980,
c. 64

- (i) “charitable institution” within the meaning of the *Charitable Institutions Act*,

R.S.O. 1980,
c. 67

- (ii) “children’s institution” within the meaning of the *Children’s Institutions Act*,

R.S.O. 1980,
c. 69

- (iii) “children’s mental health centre” within the meaning of the *Children’s Mental Health Services Act*,

R.S.O. 1980,
c. 71

- (iv) “children’s residence” within the meaning of the *Children’s Residential Services Act*,

- (v) “day nursery” within the meaning of the *Day Nurseries Act*, R.S.O. 1980, c. 111
- (vi) “facility” within the meaning of the *Developmental Services Act*, R.S.O. 1980, c. 118
- (vii) “approved home” and “home for retarded persons” within the meaning of the *Homes for Retarded Persons Act*, R.S.O. 1980, c. 201
- (viii) “home for special care” within the meaning of the *Homes for Special Care Act*, R.S.O. 1980, c. 202
- (ix) “home” within the meaning of the *Homes for the Aged and Rest Homes Act*, R.S.O. 1980, c. 203
- (x) “psychiatric facility” within the meaning of the *Mental Health Act*, R.S.O. 1980, c. 262
- (xi) “approved home” and “institution” within the meaning of the *Mental Hospitals Act*, R.S.O. 1980, c. 263
- (xii) “correctional institution” within the meaning of the *Ministry of Correctional Services Act*, R.S.O. 1980, c. 275
- (xiii) “lock-up” within the meaning of section 206 of the *Municipal Act*, R.S.O. 1980, c. 302
- (xiv) “nursing home” within the meaning of the *Nursing Homes Act*, R.S.O. 1980, c. 320
- (xv) “private hospital” within the meaning of the *Private Hospitals Act*, R.S.O. 1980, c. 389
- (xvi) “sanitarium” within the meaning of the *Private Sanitaria Act*, R.S.O. 1980, c. 391
- (xvii) “training school” within the meaning of the *Training Schools Act*, R.S.O. 1980, c. 508

and includes any other place of a similar nature;

- (b) “superintendent” means the person who has for the time being the direct and actual superintendence and charge of an institution.

(2) In this Part, “administrator”, “hospital”, “out-patient” and “patient” have the same meanings as in the *Public Hospitals Act*. Idem R.S.O. 1980, c. 410

Order by
M.O.H. re
communi-
cable disease

22.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

Condition
precedent to
order

(2) A medical officer of health may make an order under this section where he is of the opinion, upon reasonable and probable grounds,

- (a) that a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease in the health unit served by the medical officer of health;
- (b) that the communicable disease presents a risk to the health of persons in the health unit served by the medical officer of health; and
- (c) that the requirements specified in the order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

Time

(3) In an order under this section, a medical officer of health may specify the time or times when or the period or periods of time within which the person to whom the order is directed must comply with the order.

What may be
included in
order

(4) An order under this section may include, but is not limited to,

- (a) requiring the owner or occupier of premises to close the premises or a specific part of the premises;
- (b) requiring the placarding of premises to give notice of an order requiring the closing of the premises;
- (c) requiring any person that the order states has or may have a communicable disease or is or may be infected with an agent of a communicable disease to isolate himself and remain in isolation from other persons;
- (d) requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;
- (e) requiring the destruction of the matter or thing specified in the order;
- (f) requiring the person to whom the order is directed to submit to an examination by a physician and to

deliver to the medical officer of health a report by the physician as to whether or not the person has a communicable disease or is or is not infected with an agent of a communicable disease;

- (g) requiring the person to whom the order is directed in respect of a communicable disease that is a virulent disease to place himself forthwith under the care and treatment of a physician;
- (h) requiring the person to whom the order is directed to conduct himself in such a manner as not to expose another person to infection.

- (5) An order under this section may be directed to a person,
- Person directed
- (a) who resides or is present;
 - (b) who owns or is the occupier of any premises;
 - (c) who owns or is in charge of any thing; or
 - (d) who is engaged in or administers an enterprise or activity,

in the health unit served by the medical officer of health.

- (6) In an order under this section, a medical officer of health,
- Additional contents of order
- (a) may specify that a report will not be accepted as complying with the order unless it is a report by a physician specified or approved by the medical officer of health;
 - (b) may specify the period of time within which the report mentioned in this subsection must be delivered to the medical officer of health.

- (7) An order under this section is not effective unless the reasons for the order are set out in the order.
- Reasons for order

23. Where an order by a medical officer of health in respect of a communicable disease is directed to a person under sixteen years of age and is served upon the parent of the person or upon any other person who has the responsibilities of a parent in relation to the person under sixteen years of age, the parent or other person shall ensure that the order is complied with.

Order by M.O.H. re person under sixteen

Directions by
M.O.H.

24.—(1) A medical officer of health, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the persons whose services are engaged by or to agents of the board of health of the health unit served by the medical officer of health.

When
M.O.H. may
give
directions

(2) A medical officer of health may give directions in accordance with subsection (3) where the medical officer of health is of the opinion, upon reasonable and probable grounds, that a communicable disease exists in the health unit and the person to whom an order is or would be directed under section 20,

- (a) has refused to or is not complying with the order;
- (b) is not likely to comply with the order promptly;
- (c) cannot be readily identified or located and as a result the order would not be carried out promptly; or
- (d) requests the assistance of the medical officer of health in eliminating or decreasing the risk to health presented by the communicable disease.

Contents of
directions

(3) Under this section, a medical officer of health may direct the persons whose services are engaged by or who are the agents of the board of health of the health unit served by the medical officer of health to take such action as is specified in the directions in respect of eliminating or decreasing the risk to health presented by the communicable disease.

Idem

(4) Directions under this section may include, but are not limited to,

- (a) authorizing and requiring the placarding of premises specified in the directions to give notice of the existence of a communicable disease or of an order made under this Act, or both;
- (b) requiring the cleaning or disinfecting, or both, of any thing or any premises specified in the directions;
- (c) requiring the destruction of any thing specified in the directions.

Recovery of
expenses

(5) The expenses incurred by a board of health in carrying out directions given by a medical officer of health in respect of a communicable disease may be recovered with costs by the board of health from the person to whom an order is or would be directed under section 22 in respect of the communicable disease by action in a court of competent jurisdiction.

25. A physician or a person registered under Part II, IV, V or VI of the *Health Disciplines Act* to practise a health discipline or a person registered as a drugless practitioner under the *Drugless Practitioners Act* who, while providing professional services to a person who is not a patient in or an out-patient of a hospital, forms the opinion that the person has or may have a reportable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the professional services are provided.

Duty to report disease
R.S.O. 1980, cc. 196, 127

26. A physician who, while providing professional services to a person, forms the opinion that the person is or may be infected with an agent of a communicable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the professional services are provided.

Carrier of disease

27.—(1) The administrator of a hospital shall report to the medical officer of health of the health unit in which the hospital is located if an entry in the records of the hospital in respect of a patient in or an out-patient of the hospital states that the patient or out-patient has or may have a reportable disease or is or may be infected with an agent of a communicable disease.

Duty of hospital administrator to report re disease

(2) The superintendent of an institution shall report to the medical officer of health of the health unit in which the institution is located if an entry in the records of the institution in respect of a person lodged in the institution states that the person has or may have a reportable disease or is or may be infected with an agent of a communicable disease.

Duty of superintendent of institution to report re disease

(3) The administrator or the superintendent shall report to the medical officer of health as soon as possible after the entry is made in the records of the hospital or institution, as the case may be.

When report to be given

28. The principal of a school who is of the opinion that a pupil in the school has or may have a communicable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the school is located.

Duty of school principal to report disease

29.—(1) The operator of a laboratory shall report to the medical officer of health of the health unit in which the laboratory is located each case of a positive laboratory finding in respect of a reportable disease, as soon as possible after the making of the finding.

Report by operator

Contents and
time of
report

(2) A report under this section shall state the laboratory findings and shall be made within the time prescribed by the regulations.

Interpre-
tation
R.S.O. 1980,
c. 409

(3) In this section "laboratory" has the same meaning as in section 59 of the *Laboratory and Specimen Collection Centre Licensing Act*.

Duty to
report death
R.S.O. 1980,
c. 524

30. A physician who signs a medical certificate of death in the form prescribed by the regulations under the *Vital Statistics Act* where the cause of death was a reportable disease or a reportable disease was a contributing cause of death shall, as soon as possible after signing the certificate, report thereon to the medical officer of health of the health unit in which the death occurred.

Reports by
M.O.H. re
diseases

31. Every medical officer of health shall report to the Ministry in respect of reportable diseases and in respect of deaths from such diseases that occur in the health unit served by the medical officer of health.

Communi-
cation
between
medical
officers of
health

32.—(1) A medical officer of health may transmit to another medical officer of health or to the proper public health official in another jurisdiction any information in respect of a person in relation to whom a report in respect of a reportable disease has been made under this Act.

Transmittal
of report

(2) Where the person in respect of whom a report is made under this Part to a medical officer of health does not reside in the health unit served by the medical officer of health, the medical officer of health shall transmit the report to the medical officer of health serving the health unit in which the person resides.

Communi-
cable
diseases of
the eyes

33. Every physician, public health nurse or other health care professional person attending at the birth of a child shall ensure that the requirements prescribed by the regulations in respect of communicable diseases of the eyes of the new-born child are complied with.

Physician to
report refusal
or neglect of
treatment

34.—(1) Every physician shall report to the medical officer of health the name and residence address of any person who is under the care and treatment of the physician in respect of a communicable disease and who refuses or neglects to continue the treatment in a manner and to a degree satisfactory to the physician.

Report to be
made to
M.O.H.

(2) A report under subsection (1) shall be made to the medical officer of health serving the health unit in which the physician provided the care and treatment.

(3) Where the person does not reside in the health unit served by the medical officer of health mentioned in subsection (2), the medical officer of health shall transmit the report to the medical officer of health serving the health unit in which the person resides.

Transmittal
to M.O.H.
where person
resides

(4) A physician who makes a report under subsection (1) shall report to the medical officer of health at such times as are prescribed by the regulations any additional information prescribed by the regulations.

Additional
information

35.—(1) Upon application by a medical officer of health, a provincial offences court, in the circumstances specified in subsection (2), may make an order in the terms specified in subsection (3).

Order by
provincial
offences
court

(2) An order may be made under subsection (3) where a person has failed to comply with an order by a medical officer of health in respect of a communicable disease that is a virulent disease,

When court
may make
order

- (a) that the person isolate himself and remain in isolation from other persons;
- (b) that the person submit to an examination by a physician;
- (c) that the person place himself under the care and treatment of a physician; or
- (d) that the person conduct himself in such a manner as not to expose another person to infection.

(3) In an order under this section, a provincial offences court may order that the person who has failed to comply with the order of the medical officer of health,

Contents of
order

- (a) be taken into custody and be admitted to and detained in a hospital named in the order;
- (b) be examined by a physician to ascertain whether or not the person is infected with an agent of a virulent disease; and
- (c) if found on examination to be infected with an agent of a virulent disease, be treated for the disease.

(4) A court shall not name a hospital in an order under this section unless the court is satisfied that the hospital is able to

Capability of
hospital

provide detention, care and treatment for the person who is the subject of the order.

Delivery to
hospital

(5) An order under this section is authority for any person,

- (a) to locate and apprehend the person who is the subject of the order; and
- (b) to deliver the person who is the subject of the order to the hospital named in the order.

Police
assistance

(6) An order under this section may be directed to a police force that has jurisdiction in the area where the person who is the subject of the order may be located, and the police force shall do all things reasonably able to be done to locate, apprehend and deliver the person in accordance with the order.

Care and
treatment

(7) An order under this section is authority to detain the person who is the subject of the order in the hospital named in the order and to care for and examine the person and to treat the person for the virulent disease in accordance with generally accepted medical practice for a period of not more than four months from and including the day that the order was issued.

Physician
responsible

(8) The person authorized by the by-laws of the hospital shall designate a physician to have responsibility for the treatment of the person named in the order or, where the by-laws do not provide the authorization, the administrator of the hospital or a person delegated by the administrator shall designate a physician to have responsibility for the person named in the order.

Reports

(9) The physician responsible for treating the person in the hospital shall report in respect of the treatment and the condition of the person to the medical officer of health serving the health unit in which the hospital is located.

Idem

(10) The physician shall report in the manner, at the times and with the information specified by the medical officer of health and the medical officer of health may specify the manner and times of reporting and the information that shall be reported.

Order to
continue
detention
and
treatment

(11) Upon application by the medical officer of health serving the health unit in which the hospital is located, a provincial offences court that is satisfied,

- (a) that the person continues to be infected with an agent of a virulent disease; and

- (b) that the discharge of the person from the hospital would present a significant risk to the health of the public,

by order may extend the period of detention and treatment for not more than four months, and upon further applications by the medical officer of health the court may extend the period of detention and treatment for further periods each of which shall not be for more than four months.

(12) A person detained in accordance with an order under this section shall be released from detention and discharged from the hospital upon the certificate of the medical officer of health serving the health unit in which the hospital is located.

Release and discharge from hospital

(13) The medical officer of health shall inform himself as to the treatment and condition of the person and shall issue his certificate authorizing the release and discharge of the person as soon as the medical officer of health is of the opinion that the person is no longer infected with an agent of the virulent disease or that the release and discharge of the person will not present a significant risk to the health of members of the public.

Certificate of M.O.H.

(14) An application mentioned in subsection (1) or (11) shall be heard in private, but, if the person in respect of whom the application is made requests otherwise by a notice filed with the clerk of the court before the day of the hearing, the court shall conduct the hearing in public except where,

Hearing of application

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(15) An application under this section applies to stay a proceeding before or an appeal from a decision or order of the Board in respect of the same matter until the application is disposed of by the provincial offences court and where the provincial offences court makes an order under this section, no person shall commence or continue a proceeding before or an appeal from a decision or order of the Board in respect of the same matter.

Effect on proceeding before Board

(16) In subsections (1) to (15), “provincial offences court” and “court” mean a provincial offences court presided over by a provincial judge.

Interpretation

Appeal

R.S.O. 1980,
c. 400

(17) Any party to the proceedings before the provincial offences court under subsection (1) or (11) may appeal from its decision or order, in accordance with the rules under the *Provincial Offences Act* for appeals from the decision of a provincial judge, to the county or district court of the county or district in which the adjudication was made.

Stay

(18) The filing of a notice of appeal does not apply to stay the decision or order appealed from unless a judge of the court to which the appeal is taken so orders.

Appeal to
Court of
Appeal

(19) Any party to the proceedings may appeal from the judgment of the county or district court to the Court of Appeal, with leave of a justice of appeal on special grounds, upon any question of law alone in accordance with the rules under the *Provincial Offences Act* for appeals to the Court of Appeal.

Grounds for
leave

(20) No leave for appeal shall be granted under subsection (19) unless the justice of appeal considers that in the particular circumstances of the case it is essential in the public interest or for the due administration of justice that leave be granted.

Where
person
withdraws
from care
and
treatment

36.—(1) Where a medical officer of health has made an order in respect of a communicable disease that is a virulent disease requiring a person to place himself under the care and treatment of a physician or to take other action specified in the order and the person withdraws from the care and treatment or fails to continue the specified action, section 35 applies with necessary modifications and for the purpose, the person shall be deemed to have failed to comply with an order of the medical officer of health.

Failure to
comply with
isolation
order

(2) Where a person who is infected with an agent of a communicable disease has failed to comply with an order by a medical officer of health that the person isolate himself and remain in isolation from other persons, section 35 applies with necessary modifications.

Examination
of person
under
detention

37.—(1) A physician who provides medical services in a correctional institution, a training school, a lock-up or an observation and detention home and who is of the opinion that a person detained therein is infected or may be infected with an agent of a communicable disease shall notify forthwith the medical officer of health of the health unit in which the institution is located.

Order by
M.O.H. re
person under
detention

(2) A medical officer of health by order may require the superintendent of a correctional institution, a training school, a lock-up or an observation and detention home located in the health unit served by the medical officer of health to take such

action as is specified in the order to prevent the infection of others by a person who is detained in the correctional institution, training school, lock-up or observation and detention home and who has been examined and found to be infected with an agent of a communicable disease.

(3) In this section,

Interpre-
tation

(a) “correctional institution” has the same meaning as in the *Ministry of Correctional Services Act*;

R.S.O. 1980,
c. 275

(b) “lock-up” has the same meaning as in section 206 of the *Municipal Act*;

R.S.O. 1980,
c. 302

(c) “observation and detention home” has the same meaning as in the *Provincial Courts Act*;

R.S.O. 1980,
c. 398

(d) “training school” has the same meaning as in the *Training Schools Act*.

R.S.O. 1980,
c. 508

38.—(1) No person shall disclose to any other person the name of or any other information that will or is likely to identify a person in respect of whom an application, order, certificate or report is made in respect of a communicable disease, a reportable disease or a virulent disease.

Confiden-
tiality

(2) Subsection (1) does not apply,

Exceptions

(a) in respect of an application by a medical officer of health to a provincial offences court that is heard in public at the request of the person who is the subject of the application;

(b) where the disclosure is made with the consent of the person in respect of whom the application, order, certificate or report is made;

(c) where the disclosure is made for the purposes of public health administration;

(d) in connection with the administration of or a proceeding under this Act, the *Health Disciplines Act*, the *Public Hospitals Act*, the *Health Insurance Act*, the *Medical Care Act* (Canada) or the *Criminal Code* (Canada), or regulations made thereunder; or

R.S.O. 1980,
cc. 196, 410,
197

R.S.C. 1970,
cc. M-8, C-34

(e) to prevent the reporting of information under section 49 of the *Child Welfare Act* in respect of the abuse or the suspected abuse of a child.

R.S.O. 1980,
c. 66

Supply of
drugs, etc.,
by
unqualified
person
prohibited

39.—(1) No person other than a physician shall attend upon, prescribe for or supply or offer to supply a drug, medicine, appliance or treatment to or for another person for the purpose of alleviating or curing a sexually transmitted disease.

Exception re
pharmacist
R.S.O. 1980,
c. 196

(2) Subsection (1) does not apply to a pharmacist licensed under Part VI of the *Health Disciplines Act* who dispenses to a person upon a written prescription signed by a physician or who sells to a person a drug, medicine or appliance.

PART V

RIGHTS OF ENTRY AND APPEALS FROM ORDERS

Interpreta-
tion, persons

40.—(1) The persons referred to in subsections (3) to (5) and (8), (10) and (11) are the following:

1. An inspector appointed by the Minister.
2. A medical officer of health.
3. A public health inspector.
4. A person acting under a direction given by a medical officer of health.

Interpre-
tation,
purposes

(2) The purposes mentioned in subsections (3) to (5) and (11) are the following:

1. The purpose of this Act.
2. The enforcement of any section of this Act or the regulations.
3. The exercise of a power or the carrying out of a duty under this Act or the regulations.
4. The carrying out of a direction given under this Act.

Entry

(3) A person mentioned in subsection (1) may enter and have access to, through and over any premises for a purpose mentioned in subsection (2).

Examinations

(4) A person mentioned in subsection (1) may make examinations, investigations, tests and inquiries for a purpose mentioned in subsection (2).

(5) A person mentioned in subsection (1) may make, take and remove or require the making, taking and removal of copies, samples or extracts related to an examination, investigation, test or inquiry for a purpose mentioned in subsection (2).

Samples or
extracts

(6) The authority under subsections (3) to (5) shall be exercised only at reasonable times.

Reasonable
times

(7) Subsection (3) is not authority to enter a private residence without the consent of the occupier.

Private
residence

(8) A person mentioned in subsection (1) may require an operator of a food premise to cease the operation of or to dismantle, or both, any equipment on or in the food premise, for the purpose of an examination, investigation, test or inquiry.

Food premise

(9) An operator of a food premise shall comply promptly with a requirement under subsection (8).

Compliance
with
requirement

(10) A copy of any written or recorded material related to an examination, investigation, test or inquiry and purporting to be certified by a person mentioned in subsection (1) is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original.

Copies

(11) If an occupier of premises,

Application
for warrant

- (a) denies entry or access to, through or over the premises to a person mentioned in subsection (1);
- (b) instructs a person mentioned in subsection (1) to leave the premises;
- (c) obstructs a person mentioned in subsection (1) who is acting for a purpose mentioned in subsection (2);
- (d) refuses to comply with a request for the production of any thing or any plant or animal the production of which is requested for the purpose of an examination, investigation, test or inquiry or for a purpose mentioned in subsection (2),

a person mentioned in subsection (1) may apply to a justice of the peace for a warrant under section 42.

41.—(1) No person shall hinder or obstruct an inspector appointed by the Minister, a medical officer of health, a public health inspector or a person acting under a direction of a med-

Obstruction

ical officer of health lawfully carrying out a power, duty or direction under this Act.

Private
residence

(2) A refusal of consent to enter a private residence is not and shall not be deemed to be hindering or obstructing within the meaning of subsection (1).

Warrant by
justice of the
peace

42.—(1) Where a justice of the peace is satisfied on evidence upon oath,

(a) that there is reasonable and probable ground for believing that it is necessary,

(i) to enter and have access to, through and over any premises,

(ii) to make examinations, investigations, tests and inquiries, and

(iii) to make, take and remove samples, copies or extracts related to an examination, investigation, test or inquiry,

or to do any of such things, for the purpose of this Act, the enforcement of any section of this Act or the regulations, the exercise of a power or the carrying out of a duty under this Act or the regulations or the carrying out of a direction given under this Act; and

(b) that an inspector appointed by the Minister, a medical officer of health, a public health inspector or a person acting under a direction given by a medical officer of health,

(i) has been denied entry to the premises,

(ii) has been instructed to leave the premises,

(iii) has been obstructed, or

(iv) has been refused production of any thing or any plant or animal related to an examination, investigation, test or inquiry,

by the occupier of the premises,

the justice of the peace may issue a warrant in the form prescribed by the regulations authorizing an inspector appointed by the Minister, a medical officer of health, a public health

inspector and any person who is acting under a direction given by a medical officer of health, or any of them, to act as mentioned in clause (a) in respect of the premises specified in the warrant, by force if necessary, together with such police officer or officers as they call upon to assist them.

(2) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

Execution of warrant

(3) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Expiry of warrant

(4) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or the occupier of the premises.

Ex parte application

43.—(1) An order by a medical officer of health or a public health inspector under this Act shall inform the person to whom it is directed that the person is entitled to a hearing by the Board if he mails or delivers to the medical officer of health or public health inspector, as the case requires, and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may also require such a hearing.

Notice of right to hearing

(2) An oral order or an order directed to a person described but not named in the order need not contain the information specified in subsection (1) but a person to whom the order is directed may require a hearing by the Board by giving the notices specified in subsection (1) within fifteen days after the day the person first knows or ought to know the contents of the order.

Oral order

(3) Notwithstanding that a hearing is required in accordance with this Part, an order under this Act takes effect,

Effect of order

- (a) when it is served on the person to whom it is directed; or
- (b) in the case of an oral order or an order directed to a person described but not named in the order, when the person to whom it is directed first knows or ought to know the contents of the order,

but the Board, upon application with notice, may grant a stay until the proceedings before the Board are disposed of.

(4) Where the person to whom an order is directed requires a hearing by the Board in accordance with subsection (1) or (2),

Powers of Board

the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its findings for that of the medical officer of health or public health inspector who made the order.

Time for
hearing

(5) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time, at the request or with the consent of the person requiring the hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

Extension of
time for
hearing

(6) The Board may extend the time for the giving of notice requiring a hearing under this section by the person to whom the order of the medical officer of health or public health inspector is directed either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the person following upon a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Parties

44.—(1) The medical officer of health or public health inspector who made the order, the person who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board.

Examination
of
documentary
evidence

(2) Any party to the proceedings before the Board shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing not
to have taken
part in
investigation,
etc.

(3) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an advisor independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

- (5) No member of the Board shall participate in a decision of the Board following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Only members at hearing to participate in decision
- (6) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Release of documentary evidence
- 45.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Appeal to court

(2) Where an appeal is taken under subsection (1) in respect of an order that was stayed by the Board, a judge of the High Court upon application may grant a further stay until the appeal is disposed of.

Stay of order

(3) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board’s record, shall constitute the record in the appeal.

Record to be filed in court

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Minister entitled to be heard

(5) An appeal under this section may be made on questions of law or fact or both and the court may confirm, alter or rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order as the court considers proper, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of court on appeal

46.—(1) The Health Protection Appeal Board is established and shall be composed of not fewer than five members appointed by the Lieutenant Governor in Council.

Health Protection Appeal Board

(2) The Lieutenant Governor in Council shall designate a chairman and one or more vice-chairmen from among the members of the Board.

Chairman and vice-chairmen

(3) If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman.

Vacancy

- Terms (4) The members of the Board shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms.
- Remuneration (5) The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.
- Quorum (6) Three members of the Board constitute a quorum.
- Sittings (7) The chairman of the Board may from time to time assign the members of the Board to its various sittings and may change any such assignment.
- Practice and procedure (8) The Board may determine its own practice and procedure in relation to a hearing.
- Decision (9) The Board shall give a copy of its decision, together with written reasons therefor, to the parties to the proceedings.
- Hearings to be public, exceptions (10) A hearing by the Board shall be open to the public except where the Board is of the opinion that matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case the Board shall hold the hearing, or the part of the hearing concerning such matters, in private.

PART VI

HEALTH UNITS AND BOARDS OF HEALTH

- Boards of health **47.** There shall be a board of health for each health unit.
- Composition of board of health **48.—(1)** A board of health is composed of the members appointed to the board under this Act and the regulations.
- Municipal members (2) There shall be not fewer than three and not more than thirteen municipal members of each board of health.
- Appointments by Lieutenant Governor in Council (3) The Lieutenant Governor in Council may appoint one or more persons as members of a board of health, but the number of members so appointed shall be less than the number of municipal members of the board of health.
- Remuneration (4) A board of health shall pay remuneration to each member of the board of health on a daily basis and all members shall be paid at the same rate.

(5) A board of health shall pay the reasonable and actual expenses of each member of the board of health.

Expenses

(6) The rate of the remuneration paid by a board of health to a member of the board of health shall not exceed the highest rate of remuneration of a member of a standing committee of a municipality within the health unit served by the board of health, but where no remuneration is paid to members of such standing committees the rate shall not exceed the rate fixed by the Minister and the Minister has power to fix the rate.

Rate of remuneration

(7) The term of office of a municipal member of a board of health continues during the pleasure of the council that appointed the municipal member but, unless ended sooner, ends with the ending of the term of office of the council.

Term of office

(8) The seat of a municipal member of a board of health becomes vacant for the same reasons that the seat of a member of council becomes vacant under section 39 of the *Municipal Act*.

Disqualifi-
cation

R.S.O. 1980,
c. 302

(9) Subsections (1) to (8) do not apply to,

Application
of
subss. (1-8)

(a) the board of health under the *County of Oxford Act*;

R.S.O. 1980,
c. 365

(b) a board of health under an Act establishing or continuing a regional municipality; or

(c) a regional corporation that, under the Act establishing or continuing the regional corporation, has the powers, rights and duties of a local board of health or of a board of health.

(10) Subsections (4) to (6) apply notwithstanding sections 240 to 245 of the *Municipal Act* (which relate to remuneration and expenses of members of local boards).

Application
of R.S.O.
1980, c. 302

(11) Subsections (4) and (5) do not authorize payment of remuneration or expenses to a member of a board of health, other than the chairman, who is a member of the council of a municipality and is paid annual remuneration or expenses, as the case requires, by the municipality.

Member of
municipal
council

49.—(1) A board of health for a health unit and the council of the band on a reserve within the health unit may enter into an agreement in writing under which,

Agreement
with council
of band

(a) the board agrees to provide health programs and services to the members of the band; and

- (b) the council of the band agrees to accept the responsibilities of the council of a municipality within the health unit.

Appointment
of member
by council of
band

(2) The council of the band that has entered into the agreement has the right to appoint a member of the band to be one of the members of the board of health for the health unit.

Joint
appointment

(3) The councils of the bands of two or more bands that have entered into agreements under subsection (1) have the right to jointly appoint a person to be one of the members of the board of health for the health unit instead of each appointing a member under subsection (2).

Term

(4) An appointment under this section may be for one, two or three years.

Interpre-
tation
R.S.C. 1970,
c. I-6

(5) In this section, “band”, “council of the band” and “reserve” have the same meanings as in the *Indian Act* (Canada).

Term of
office

50.—(1) A member of a board of health appointed by the Lieutenant Governor in Council may be appointed for a term of one, two or three years.

Vacancy

(2) Where a vacancy occurs in a board of health by the death, disqualification, resignation or removal of a member, the person or body that appointed the member shall appoint a person forthwith to fill the vacancy for the remainder of the term of the member.

Disqualifi-
cation

(3) No person whose services are employed by a board of health is qualified to be a member of the board of health.

Board to be
corporation

51.—(1) Every board of health is a corporation without share capital.

Application
of
R.S.O. 1980,
cc. 95, 96

(2) The *Corporations Act* and the *Corporations Information Act* do not apply to a board of health.

Real
property

(3) A board of health may acquire and hold real property for the purpose of carrying out the functions of the board and may sell, exchange, lease, mortgage or otherwise charge or dispose of real property owned by it.

Consents
required

(4) Subsection (3) does not apply unless the board of health has first obtained the consent of the councils of the majority of the municipalities within the health unit served by the board of health and has obtained the consent of the Minister.

- (b) the invoices, receipts and other documents in its possession that relate to the financial affairs of the board.

Annual
financial
statements

(2) A board of health shall cause to be prepared statements of its financial affairs in each year including but not limited to,

- (a) an annual statement of income and expenses;
- (b) an annual statement of assets and liabilities; and
- (c) an annual estimate of expenses for the next year.

Retention of
records

(3) A board of health need not keep any records, statements, minutes, accounts or other materials beyond the period of time prescribed by the regulations.

Certain
boards of
health in
Metropolitan
Toronto

59.—(1) With respect to the board of health for the health unit related to each municipality specified in subsection (2),

- (a) the council of the municipality shall stand in the place of and has the powers and is subject to the duties of the board of health in respect of the appointment, reappointment and dismissal of the medical officer of health and the associate medical officers of health of the board of health;
- (b) the council of the municipality shall provide to the board of health such employees of the municipality, including public health nurses, as the council of the municipality considers necessary to carry out the functions of the board of health, including the duties of the board of health in respect of mandatory health programs and services; and
- (c) the council of the municipality shall appoint the auditor of the board of health.

Municipalities
specified

(2) The municipalities referred to in subsection (1) are the following:

1. The Borough of Etobicoke.
2. The City of North York.
3. The Borough of Scarborough.
4. The City of Toronto.

60. Every board of health shall superintend and ensure the carrying out of Parts II, III and IV and the regulations relating to those Parts in the health unit served by the board of health.

Duty of
board of
health

61. Every board of health,

Medical
officer of
health

(a) shall appoint a full-time medical officer of health;
and

(b) may appoint one or more associate medical officers
of health,

of the board of health.

62. A board of health shall not describe the position of a person whose services are employed by the board by a title that incorporates the title “medical officer of health” or the designation “M.O.H.” or other designation representing the title unless the person is the medical officer of health, associate medical officer of health or acting medical officer of health of the board.

Use of title

63. No person is eligible for appointment as a medical officer of health or an associate medical officer of health unless,

Eligibility for
appointment

(a) he is a physician;

(b) he possesses the qualifications and requirements prescribed by the regulations for the position; and

(c) the Minister approves the proposed appointment.

64.—(1) Every medical officer of health and every associate medical officer of health of a board of health shall retire at the end of the month in which he attains the age of sixty-five years.

Retirement

(2) A board of health, with the approval of the Minister, may reappoint the medical officer of health or associate medical officer of health, as the case may be, for a period not exceeding one year at a time until the end of the month in which the medical officer of health or associate medical officer of health attains the age of seventy years.

Extension

65.—(1) A decision by a board of health to dismiss a medical officer of health or an associate medical officer of health from office is not effective unless,

Dismissal

- (a) the decision is carried by the vote of two-thirds of the members of the board; and
- (b) the Minister consents in writing to the dismissal.

Notice and
attendance

(2) A board of health shall not vote on the dismissal of a medical officer of health unless the board has given to the medical officer of health,

- (a) reasonable written notice of the time, place and purpose of the meeting at which the dismissal is to be considered;
- (b) a written statement of the reason for the proposal to dismiss the medical officer of health; and
- (c) an opportunity to attend and to make representations to the board at the meeting.

Executive
officer

66.—(1) The medical officer of health of a board of health is the executive officer of the board.

Direction of
staff

(2) The employees of and the persons whose services are engaged by a board of health are subject to the direction of and are responsible to the medical officer of health of the board.

Management
and adminis-
tration

(3) The medical officer of health of a board of health is responsible to the board of health for the management and administration of the health programs and services and business affairs of the board.

Area of
authority

(4) The authority of the medical officer of health of a board of health under this Act and the regulations is limited to the health unit served by the board of health.

Duties of
associate
M.O.H.

67.—(1) The associate medical officer of health of a board of health, under the direction of the medical officer of health of the board, shall assist in the performance of the duties of the medical officer of health and, for the purpose, has all the powers of the medical officer of health.

Where
M.O.H.
absent or
unable to act

(2) Where the office of medical officer of health of a board of health is vacant or the medical officer of health is absent or unable to act, the associate medical officer of health of the board shall act as and has all the powers of the medical officer of health.

68.—(1) Where,

Acting
M.O.H.

- (a) the office of medical officer of health of a board of health is vacant or the medical officer of health is absent or unable to act; and
- (b) there is no associate medical officer of health of the board or the associate medical officer of health of the board is also absent or unable to act,

the board of health shall appoint forthwith a physician as acting medical officer of health.

(2) An acting medical officer of health of a board of health shall perform the duties and has authority to exercise the powers of the medical officer of health of the board.

Powers and
duties

69. The medical officer of health of a board of health is entitled to notice of and to attend each meeting of the board and every committee of the board, but the board may require the medical officer of health to withdraw from any part of a meeting at which the board or a committee of the board intends to consider a matter related to the remuneration or the performance of the duties of the medical officer of health.

Attendance
at meetings
of boards

70.—(1) Every board of health shall engage the services of such persons, including public health nurses, as are considered necessary to carry out the functions of the board of health, including the duties of the board of health in respect of mandatory health programs and services.

Staff

(2) No board of health shall engage the services of any person in a professional, administrative or technical classification unless the person meets the qualifications and requirements prescribed by the regulations for the classification.

Qualifi-
cations

(3) No board of health shall engage any person as a public health nurse unless the person is a registered nurse within the meaning of Part IV of the *Health Disciplines Act* and,

Public health
nurse

R.S.O. 1980,
c. 196

- (a) has the public health nursing education prescribed by the regulations from a degree granting institution in Canada or at a degree granting institution outside Canada that is accepted as equivalent by such an institution in Canada; and
- (b) meets such additional qualifications and requirements as are prescribed by the regulations.

Expenses

71.—(1) The expenses incurred by or on behalf of a board of health in the performance of the functions and duties of the board of health and the medical officer of health of the board of health under this and any other Act shall be borne and paid by the municipalities in the health unit served by the board of health in such proportion as is agreed upon or, in default of agreement, in such proportion as is prescribed by the regulations.

Municipal authority

(2) The council of a municipality in a health unit has all the powers necessary to enter into and to carry out an agreement in respect of payment of the expenses of the board of health of the health unit or, in default of agreement, to pay the amount that is the responsibility of the municipality in accordance with the proportions prescribed by the regulations.

Reports

72. Every board of health shall provide the Minister or the council of a municipality in the health unit served by the board of health with such information in respect of the board and the health unit served by the board at such times and in such form as the Minister or the council may require.

Financial inspectors

73.—(1) The Minister may direct in writing financial inspectors appointed by the Minister to inspect, examine and audit books, accounts, reports and records maintained by or for boards of health and to report to the Minister with such information, in the form and manner and at the time or within the period of time specified by the Minister.

Obstruction

(2) No person shall obstruct a financial inspector in the performance of his duties under this Act and the regulations.

Information

(3) Every board of health shall furnish a financial inspector with such information regarding its affairs as the financial inspector from time to time requires.

Access to records

(4) Every board of health or other person shall give a financial inspector access to and assistance in respect of all books, accounts, reports, records, files, minutes and other papers, things and property in any form maintained for or on account of or belonging to or in use by the board and necessary to the performance of the duties of the financial inspector.

Where
Minister is of
opinion that
management
or adminis-
tration of
affairs of
board of
health are
inadequate

74.—(1) The Minister may give directions under subsection (2) where, having regard to the content of a report of an investigation or examination by the Chief Medical Officer of Health or a financial inspector as to the quality of the management or administration of the affairs of a board of health, the Minister is of the opinion that the quality of the management or administration of the affairs of the board of health is

adversely affecting or is likely to adversely affect the health of members of the public or the provision of health programs or services by the board of health.

(2) Under this section, the Minister may direct the Chief Medical Officer of Health to provide advice and guidance to a board of health and to the medical officer of health and the administrative and professional staffs of the board of health for the purpose of improving the quality of the management and administration of the affairs of the board of health.

Directions by Minister

(3) Where the Minister gives a direction under subsection (2) in respect of a board of health, it is the duty of the board of health and of the medical officer of health and the members of the administrative and professional staffs of the board of health to receive and consider the advice and guidance of the Chief Medical Officer of Health and of any person acting under the instructions of the Chief Medical Officer of Health.

Duty of board of health

(4) Where the Chief Medical Officer of Health, while acting under a direction by the Minister under subsection (2), requests in writing that the board of health or the medical officer of health or any member of the administrative or professional staff of the board of health do any act that they have authority to do and, in the opinion of the Chief Medical Officer of Health, they fail to do so, the Chief Medical Officer of Health may do the act on behalf of the board of health or the medical officer of health or the member of the administrative or professional staff of the board of health and the act is as effective as if done by the board of health or the medical officer of health or the member of the administrative or professional staff, as the case may be.

Action on behalf of board of health, etc.

(5) While a direction by the Minister under subsection (2) is in force in respect of a board of health, no act of the board of health or of the medical officer of health or the administrative professional staff of the board of health is valid unless approved in writing by the Chief Medical Officer of Health but this subsection does not apply to a professional health service provided to any person.

Action by board of health

(6) The Chief Medical Officer of Health and a person acting under the instructions of the Chief Medical Officer of Health have the same rights as the board of health, the medical officer of health and the members of the administrative and professional staffs of the board of health in respect of the documents, records (including medical records) and information of the board of health.

Right of access

Duration of
directions

(7) A direction by the Minister under subsection (2) is valid until rescinded by the Minister.

Grants

75. The Minister may pay grants,

(a) to boards of health;

(b) to persons or organizations prescribed by the regulations,

for the purpose of this Act or for such purpose as is prescribed by the regulations.

Merger of
health units

76.—(1) Where two or more health units are merged, the boards of health of the merged health units are dissolved.

Assets and
liabilities

(2) Where two or more health units are merged, the assets owned by or under the management and control, as the case may be, and the liabilities of the boards of health of the merged health units are, without compensation, assets owned by or under the management and control and liabilities of the board of health of the new health unit.

Alteration of
boundaries of
health units

(3) Where the boundaries of health units are altered so that an area formerly in one health unit is included in another health unit, the assets owned by or under the management and control and the liabilities of the board of health of the health unit of which the area was formerly a part and that relate to the area are, without compensation, assets owned by or under the management and control, as the case may be, and liabilities of the board of health of the health unit in which the area is included.

Order by
Minister

(4) Where the boards of health are unable to agree on a matter under subsection (3), the Minister may make an order determining the matter.

PART VII

ADMINISTRATION

Investigation
re disease
and mortality

77.—(1) The Minister has power to make investigations respecting the causes of disease and mortality in any part of Ontario.

Direction to
investigate

(2) The Minister may direct an officer of the Ministry or any other person to investigate the causes of any disease or mortality in any part of Ontario.

(3) For the purposes of the investigation, the person directed by the Minister has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Powers of investigator

R.S.O. 1980, c. 411

78.—(1) The Minister may establish and maintain public health laboratory centres at such places and with such buildings, appliances and equipment as the Minister considers proper.

Public health laboratory centres

(2) The Minister may give direction from time to time to a public health laboratory centre as to its operation and the nature and extent of its work, and the public health laboratory centre shall comply with the direction.

Direction by Minister

79.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors.

Appointment of inspectors

(2) An inspector shall make inspections of health units and in respect of boards of health, medical officers of health and other public health professionals to ascertain the extent of compliance with this Act and the regulations and the carrying out of the purpose of this Act.

Duty

(3) The Minister in an appointment may limit the duties or the authority or both of an inspector in such manner as the Minister considers necessary or advisable.

Limitation

(4) The Minister may require an inspector to act under the direction of or to report to the Minister, the Deputy Minister of Health, the Chief Medical Officer of Health or other officer of the Ministry.

Directions and reports

(5) The Minister shall issue to every inspector a certificate of appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

Certificate of appointment

80.—(1) The Minister shall appoint in writing an employee of the Ministry as Chief Medical Officer of Health.

Chief Medical Officer of Health

(2) No person is qualified to be or to act as Chief Medical Officer of Health unless he is a physician of at least five years standing and possesses the qualifications prescribed by the regulations for the position of medical officer of health.

Qualifications

Duty of Chief
M.O.H. re
occupational
and environ-
mental health

(3) The Chief Medical Officer of Health shall keep himself informed in respect of matters related to occupational and environmental health.

Examinations
of records by
Chief
Medical
Officer of
Health
Copies

81.—(1) The Chief Medical Officer of Health has the right to examine all by-laws, minutes and records of a board of health.

(2) A board of health shall provide the Chief Medical Officer of Health with a copy of any by-law, minute or record requested by the Chief Medical Officer of Health.

Delegation

(3) The Chief Medical Officer of Health may delegate in writing his authority under subsections (1) and (2) to any person.

Where board
of health not
providing
health
program or
service

82.—(1) Where the Minister is of the opinion that a board of health is not providing or ensuring the provision of a health program or service in accordance with sections 5 to 7 and the regulations and guidelines, the Minister may direct the Chief Medical Officer of Health to provide or ensure the provision of the health program or service.

Expenses

(2) The Minister may deduct from grants paid by the Minister to the board of health an amount equal to all or part of the expenses incurred by the Chief Medical Officer of Health in carrying out a direction under subsection (1).

Where
situation of
risk to health

83. Where the Minister is of the opinion that a situation exists anywhere in Ontario that constitutes or may constitute a risk to the health of persons, the Minister may direct the Chief Medical Officer of Health to investigate the situation and to take such action as the Chief Medical Officer of Health considers appropriate to prevent, eliminate and decrease the risk to health caused by the situation.

Powers of
Chief
Medical
Officer of
Health

84.—(1) For the purposes of sections 82 and 83, the Chief Medical Officer of Health,

(a) has, and may exercise anywhere in Ontario, the powers of a medical officer of health; and

(b) may direct a person whose services are engaged by a board of health to do, anywhere in Ontario (whether within or outside the health unit served by the board of health), any act,

(i) that the person has power to do under this Act,
or

- (ii) that the medical officer of health for the health unit served by the board of health has authority to direct the person to do within the health unit.

(2) Where the Chief Medical Officer of Health gives a direction under subsection (1) to a person whose services are engaged by a board of health,

Authority and duty of person directed to act

- (a) the person has authority to act, anywhere in Ontario (whether within or outside the health unit served by the board of health), to the same extent as if the direction had been given by the medical officer of health of the board of health and the act had been done in the health unit; and
- (b) the person shall carry out the direction as soon as practicable.

85.—(1) The expenses or part of the expenses of carrying out a direction by the Chief Medical Officer of Health in respect of any duty or function of a board of health or a medical officer of health may be treated by the Minister either as a debt due by the board of health or as a debt due by the corporations of the municipalities in the health unit served by the board of health.

Expenses

(2) Where the Minister intends to treat the expenses or part of the expenses as a debt due by the board of health, the Minister may deduct an amount equal to the amount of the expenses or the part of the expenses from amounts that would otherwise be payable by the Minister to the board of health.

Idem

(3) Where the Minister intends to treat the expenses or part of the expenses as a debt due by the corporations of the municipalities within the health unit served by the board of health, the Minister may certify to the treasurer of each of the municipalities the amount due by the municipality to the Crown in right of Ontario in respect of the expenses or the part of the expenses, and the treasurer shall pay to the Treasurer of Ontario the amount set out in the certificate.

Idem

86.—(1) The Minister, in the circumstances mentioned in subsection (2), by order may require the occupier of any premises to deliver possession of all or any specified part of the premises to the Minister to be used as a temporary isolation facility or as part of a temporary isolation facility.

Possession of premises for temporary isolation facility

(2) The Minister may make an order under subsection (1) where a medical officer of health certifies to the Minister,

Grounds for order

- (a) that there exists or there is an immediate risk of an outbreak of a communicable disease in the area where the premises are located; and
- (b) that the premises are needed for use as a temporary isolation facility or as part of a temporary isolation facility in respect of the communicable disease.

Delivery of
possession

(3) An order under subsection (1) may require delivery of possession on the date specified in the order.

Hearing and
submissions

(4) The Minister need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under subsection (1).

Warrant for
possession

(5) Where a judge of the county or district court of the county or district in which the premises are located is satisfied on evidence upon oath,

- (a) that there has been or there is an immediate risk of an outbreak of a communicable disease in the area where the premises are located;
- (b) that the premises are needed for use as a temporary isolation facility or as part of a temporary isolation facility in respect of the communicable disease; and
- (c) that the occupier of the premises,
 - (i) has refused to deliver possession of the premises to the Minister in accordance with the Minister's order under subsection (1),
 - (ii) is not likely to comply with the Minister's order under subsection (1), or
 - (iii) cannot be readily identified or located and as a result the Minister's order under subsection (1) cannot be carried out promptly,

the judge may issue a warrant in the form prescribed by the regulations directing the sheriff of the county or district, or any other person whom the judge considers suitable, to put and maintain the Minister and any persons designated by the Minister in possession of the premises, by force if necessary.

Execution of
warrant

(6) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

(7) A judge may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or the occupier of the premises.

Ex parte
application

(8) The Minister shall not continue the use of the premises as a temporary isolation facility or as part of a temporary isolation facility after the communicable disease ceases to present a significant risk to the health of persons in the area where the premises are located.

Termination
of use of
premises

(9) The occupier of the premises is entitled to compensation from the Crown in right of Ontario for the use and occupation of the premises and in the absence of agreement as to the compensation the Land Compensation Board under the *Expropriations Act*, upon application in accordance with the rules governing the practice and procedure of the Board, shall determine the compensation.

Compen-
sation

R.S.O. 1980,
c. 148

(10) Except in respect of proceedings before the Land Compensation Board in accordance with subsection (9), the *Expropriations Act* does not apply to proceedings under this section.

Application
of R.S.O.
1980, c. 148

87. The agency of the Province of Ontario known as Northern Ontario Public Health Service shall provide, in the parts of Ontario that are designated by the Minister and that are not in a health unit,

Northern
Ontario
Public Health
Service

- (a) the health programs and services that a board of health is required to provide under this Act and the regulations; and
- (b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and other public health professionals whose services may be employed by a board of health.

88.—(1) Where a municipality is not within a health unit, the Minister and the corporation of the municipality may enter into an agreement under which the Minister will ensure the provision in the municipality of,

Health
services in
isolated
municipalities

- (a) the health programs and services that a board is required to provide under this Act and the regulations; and
- (b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and the other public health professionals

whose services may be employed by a board of health.

Idem

(2) An agreement mentioned in subsection (1) may relate only to particular health programs or services or to particular functions and may specify the charges to be made for any or all of them.

Repeal of
ss. 87, 88

89.—(1) Sections 87 and 88 are repealed on a day to be named by proclamation of the Lieutenant Governor.

Application
of subs. (1)

(2) Subsection (1) does not apply until the day that each area in Ontario is within a health unit.

Agreement
with organi-
zation

90. The Minister may enter into an agreement with any organization in accordance with which the organization will provide, in the part of Ontario that is specified in the agreement and that is not in a health unit,

- (a) the health programs and services that a board of health is required to provide under this Act and the regulations; and
- (b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and other public health professionals that may be employed by a board of health.

Hearings

91. The Minister, the Chief Medical Officer of Health, a medical officer of health or a public health inspector need not hold or afford to any person an opportunity for a hearing before making an order or giving directions under this Act.

Appointment
of public
health
professionals

92. The Minister may appoint a person to perform the duties and exercise the authority in a part of Ontario that is designated by the Minister and that is not within a health unit that may be performed and exercised in a health unit by a medical officer of health, a public health inspector, a public health nurse or any other public health professional whose services may be engaged by a board of health.

Provincial
analysts

93. The Lieutenant Governor in Council may appoint one or more provincial analysts for the purposes of this Act and every other Act in which a provincial analyst is mentioned.

Protection
from
personal
liability

94.—(1) No action or other proceeding for damages or otherwise shall be instituted against a member of a board of health, a medical officer of health, an associate medical officer of health of a board of health, an acting medical officer of health of a board of health or a public health inspector for any

act done in good faith in the execution or the intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of any such duty or power.

(2) Subsection (1) does not apply to prevent an application for judicial review or a proceeding that is specifically provided for in this Act. Exception

(3) Subsection (1) does not relieve a board of health from liability for damage caused by negligence of or action without authority by a person referred to in subsection (1), and a board of health is liable for such damage in the same manner as if subsection (1) had not been enacted. Board of health not relieved of liability

(4) No action or other proceeding shall be instituted against a person for making a report in good faith in respect of a communicable disease or a reportable disease in accordance with Part IV. Protection from liability for reports

PART VIII

REGULATIONS

95.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any matter referred to in this Act as prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) classifying persons, organizations, premises, places, animals, plants and things, or any of them, for the purposes of the regulations;
- (d) prescribing standards and requirements in respect of any matter in relation to which regulations may be made under this Act and requiring compliance with such standards and requirements;
- (e) exempting any person, organization, premises, food, substance, thing, plant, animal other than man, solid, liquid, gas, heat, radiation or combination of any of them, or any class of any of them from any provision of this Act or the regulations and prescribing conditions that shall apply in respect of any such exemption.

Regulations
relating to
Part II

(2) The Lieutenant Governor in Council may make regulations relating to Part II, prescribing standards and requirements for health programs and services and requiring boards of health to comply with the standards and requirements or either of them.

Regulations
relating to
Part III

(3) The Lieutenant Governor in Council may make regulations relating to Part III,

- (a) in respect of any matter related to the health or safety of persons in, on or about public pools, and requiring owners and operators of public pools to comply with such regulations, including, but not limited to,
 - (i) governing the construction, alteration, repair, location, operation, maintenance and use, or prohibiting any of them, of such pools and related buildings, appurtenances and equipment,
 - (ii) requiring the installation and maintenance of safety equipment,
 - (iii) requiring the presence of lifeguards and other staff, and
 - (iv) prescribing standards and requirements in respect of lifeguards and staff and requiring compliance with such standards and requirements;
- (b) governing the construction, equipment, facilities (including sanitary facilities), operation and maintenance of food premises, and prescribing standards and requirements in respect thereof;
- (c) regulating, restricting or prohibiting the manufacturing, processing, preparation, storage, handling, display, transportation, sale or offering for sale of any food on or in food premises and the distribution of food from food premises, and prescribing standards and requirements in respect thereof;
- (d) prescribing chemical and microbiological standards for food and requiring compliance therewith;
- (e) prescribing standards and requirements in respect of persons who operate food premises and in respect of

persons who are employed on or in food premises and requiring compliance therewith;

- (f) governing and prohibiting the construction, equipment, facilities (including sanitary facilities), establishment, operation and maintenance of slaughter-houses; prescribing and requiring compliance with standards and requirements in respect of the foregoing and prohibiting the slaughter of animals in any place other than a slaughter-house;
- (g) governing and prohibiting the procurement, transportation, handling and sale of water by tank truck or other portable container for human consumption, and requiring the approval of a medical officer of health to the procurement, transportation, handling and sale of water by such means;
- (h) respecting the records that shall be kept in respect of the source of supply, date of packaging or production and the distribution of any food;
- (i) governing and requiring the labelling, identification or coding of food and containers of food that is manufactured, processed, prepared, stored, handled, displayed, transported, sold or offered for sale on or in food premises or distributed from food premises and specifying the type of labelling, identification or coding and the information required on the labels, identification or coding;
- (j) regulating, restricting or prohibiting the construction, alteration, repair, location, operation, maintenance and use of food vending machines;
- (k) prescribing standards and requirements in respect of recreational camps and requiring owners and operators of recreational camps to comply with such standards and requirements;
- (l) prescribing standards and requirements in respect of lumbering camps, mining camps, railway construction works or other places where labour is employed in territory without municipal organization and requiring owners and operators of such camps, works or other places to comply with such standards and requirements.

Regulations
relating to
Part IV

(4) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) governing the establishment, equipment, operation and maintenance of clinics for the examination and treatment of persons in respect of sexually transmitted diseases;
- (b) governing the handling, transportation and burial of bodies of persons who have died of a communicable disease or who had a communicable disease at the time of death;
- (c) requiring and governing the detention, isolation, handling, laboratory examination, taking of specimens from or destruction of any animal that has or may have a disease or a condition that may adversely affect the health of any person;
- (d) requiring the reporting of cases of animals that have or may have diseases that adversely affect the health of persons or that may adversely affect the health of any person, specifying diseases of animals that adversely affect the health of persons, specifying the classes of persons who shall make such reports and specifying the persons to whom such reports shall be made;
- (e) requiring and governing the immunization of domestic animals against any disease that may adversely affect the health of any person;
- (f) respecting the reporting of bites of persons by animals or contacts to persons that may result in human rabies, and requiring such reporting, specifying the persons or class of persons who must make such reports and requiring and governing the furnishing of additional information and the form and content of such reports and additional information;
- (g) requiring the payment of the costs incurred in complying with any action required under clause (c) and specifying by whom such costs shall be paid;
- (h) governing the handling and disposition of dead animals and specimens or products therefrom in the case of animal diseases communicable to man or conditions that may adversely affect the health of any person;

- (i) specifying additional persons who shall report the existence or the probable existence of reportable diseases or communicable diseases, and specifying the medical officers of health to whom such reports shall be made.

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

Regulations
relating to
Part VI

- (a) designating any area in Ontario as a health unit;
- (b) prescribing the names of health units;
- (c) altering the boundaries of or dissolving any health unit established or continued by or under this Act;
- (d) subject to Part VI, specifying for each board of health,
 - (i) the number of municipal members of the board,
 - (ii) by whom each of the municipal members of the board shall be appointed,
 - (iii) the area or place that each municipal member of the board is to represent,
 - (iv) the qualifications for appointment for each municipal member of the board,

but this clause does not apply in respect of,

- (v) the board of health under the *County of Oxford Act*, R.S.O. 1980, c. 365
- (vi) a board of health under an Act establishing or continuing a regional municipality, or
- (vii) a regional corporation that, under the Act establishing or continuing the regional corporation, has the powers, rights and duties of a local board of health or of a board of health;
- (e) assigning additional duties to inspectors or any class of them appointed by the Minister;
- (f) specifying records that boards of health and persons appointed or whose services are engaged by boards of health shall compile, and governing the custody,

keeping, inspection and disclosure of information from such records, including, but not limited to, records in respect of,

- (i) the proceedings of boards of health,
- (ii) the text of by-laws and resolutions of boards of health,
- (iii) the financial and administrative affairs of boards of health,
- (iv) mandatory health programs and services,
- (v) other health programs and services,
- (vi) medical services and health services provided by persons appointed or whose services are engaged by boards of health;
- (g) authorizing boards of health to charge fees for specific services and prescribing the amounts of the fees;
- (h) prescribing the methods of calculating or the bases for determining the amounts of grants by the Minister to boards of health, persons and organizations and prescribing the manner and times of payment of such grants and prescribing conditions that shall apply in respect of such grants.

Regulations
by Minister

96. The Minister may make regulations specifying diseases as communicable diseases, reportable diseases and virulent diseases for the purposes of this Act.

Scope of
regulations

97.—(1) A regulation may be general or particular in its application, may be limited in its application to any class prescribed by the regulations and may be limited as to time or place or both.

Adoption of
codes

(2) A regulation may adopt by reference, in whole or in part, with such changes as are specified in the regulation, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted.

Classes

(3) A class may be defined in the regulations with respect to any attribute, quality or characteristic or combination of them and may be defined to include any persons, places, premises, organizations, animals, plants or things whether or not of the

same type or with the same attributes, qualities or characteristics.

98. Except as otherwise provided in this Act, a report or notice required under this Act or the regulations shall be made in the form and manner, at or within the period of time and containing the information prescribed by the regulations.

Form, etc.,
of reports or
notices

PART IX

ENFORCEMENT

99.—(1) Any person who fails to obey an order made under this Act is guilty of an offence.

Offence,
orders

(2) Any person who contravenes a requirement of Part IV to make a report in respect of a reportable disease or a communicable disease is guilty of an offence.

Offence,
reports

(3) Any person who contravenes section 16, 17, 18, 20, 38 or 39, subsection 40 (9), subsection 41 (1), subsection 73 (2) or section 104 is guilty of an offence.

Offence,
sections of
Act

(4) Any person who contravenes a regulation is guilty of an offence.

Offence,
regulations

100.—(1) Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than \$5,000 for every day or part of a day on which the offence occurs or continues.

Penalty

(2) Where a corporation is convicted of an offence under this Act, the maximum penalty that may be imposed for every day or part of a day on which the offence occurs or continues is \$25,000 and not as provided in subsection (1).

Corporation

(3) Where a corporation is convicted of an offence under this Act,

Directors,
officers,
employees
and agents

(a) each director of the corporation; and

(b) each officer, employee or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is guilty of an offence unless he satisfies the court that he took all reasonable care to prevent the commission of the offence.

Proceedings
to restrain
contra-
vention of
order

101.—(1) Notwithstanding any other remedy or any penalty, the contravention by any person of an order made under this Act may be restrained by order of a judge of the Supreme Court or a local judge of the High Court upon application without notice by the person who made the order or by the Chief Medical Officer of Health or the Minister.

Proceedings
to prohibit
continuation
or repetition
of contra-
vention

(2) Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

Copy of
order as
evidence

102.—(1) A copy of an order purporting to be made by the Minister, the Chief Medical Officer of Health, a medical officer of health or a public health inspector is, without proof of the office or signature of the Minister, the Chief Medical Officer of Health, the medical officer of health or the public health inspector, as the case may be, receivable in evidence as proof in the absence of evidence to the contrary of the making of the order and of its contents for all purposes in any action, proceeding or prosecution.

Certificate as
evidence

(2) A certificate as to the result of any test that purports to be signed by a provincial analyst is, without proof of the office or signature of the provincial analyst, receivable in evidence as proof in the absence of evidence to the contrary of the facts stated in the certificate for all purposes in any action, proceeding or prosecution.

Effect of
compliance
with order

103. A person who in good faith and in a reasonable manner, in complying or attempting to comply with an order under Part III, takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action.

Furnishing
false
information

104. No person shall furnish false information knowingly to an inspector appointed by the Minister, a medical officer of health, a public health inspector or a person who is carrying out any power, duty or direction under this Act or is otherwise acting in the lawful performance of his duties under this Act.

Service

105.—(1) Any notice, order or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by ordinary mail addressed to

the person to whom it is to be given, served or delivered at his last known address.

(2) A notice, order or other document sent by ordinary mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

When service deemed made

PART X

TRANSITION AND REPEALS

106. Every health unit established by or under the *Public Health Act* and in existence immediately before the coming into force of this section is continued as a health unit under this Act.

Health units
R.S.O. 1980,
c. 409

107. Every local board of health or board of health established by or under the *Public Health Act* and in existence immediately before the coming into force of this section is continued as a board of health under this Act.

Boards of health continued

108. The members of a board of health or a local board of health in office immediately before this Act comes into force shall continue in office until the expiration of the terms for which they were appointed or until the office otherwise becomes vacant.

Board member continued in office

109. The medical officers of health and associate medical officers of health of boards of health, local boards of health or municipalities in office immediately before this Act comes into force are continued in office, subject to the provisions of Part VI respecting retirement and dismissal.

Medical officers of health continued in office

110.—(1) The by-law in Schedule B to and any by-law passed under section 156 or 157 of the *Public Health Act* that is in force immediately before this Act comes into force shall remain in force, except in so far as it conflicts with this Act or the regulations, until revoked by the council or board where such by-law is in force, and for the purpose of enforcement such by-law shall be deemed to be a regulation.

By-laws continued

(2) Every board of health shall ensure compliance with the by-laws mentioned in subsection (1) within the health unit served by the board of health.

Compliance

Repeals

111.—(1) The *Public Health Act*, being chapter 409 of the Revised Statutes of Ontario, 1980, except the title thereto and sections 3, 4, 5, 59 to 75 and subsections 150 (2), (3) and (4), is repealed.

Idem

(2) The title to the *Public Health Act* is repealed and the following substituted therefor:

LABORATORY AND SPECIMEN COLLECTION CENTRE
LICENSING ACT

Idem

(3) The following are repealed:

1. The *Sanatoria for Consumptives Act*, being chapter 463 of the Revised Statutes of Ontario, 1980.
2. The *Venereal Diseases Prevention Act*, being chapter 521 of the Revised Statutes of Ontario, 1980.
3. Section 2 of *The Borough of North York Act, 1977*, being chapter 95.
4. *The Borough of Etobicoke Act, 1980*, being chapter 92.

Commence-
ment

112. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

113. The short title of this Act is the *Health Protection and Promotion Act, 1983*.

CHAPTER 11

**An Act to amend
The City of Thunder Bay Act, 1968-69**

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is repealed. s. 10,
repealed

2. Section 24a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 45, section 6, is repealed and the following substituted therefor: s. 24a,
re-enacted

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society in the City of Thunder Bay, described in Schedule C hereto, shall, when in occupation by a tenant, be liable to taxes for municipal and school purposes, including business taxes. Exhibition
property
liable to
taxation
when
occupied by
tenant

3. The said Act is amended by adding thereto the following Schedule: Schedule C,
enacted

SCHEDULE C

ALL AND SINGULAR that parcel of land and premises situate in the City of Thunder Bay, in the District of Thunder Bay, bounded on the north by the north limit of Isabel Street, on the west by the east limit of Memorial Avenue, on the south by the north limit of the right of way of the Neebing/McIntyre Floodway and on the east by the proposed new west limit of Fort William Road, as revised in conjunction with the Neebing/McIntyre Floodway project, and more particularly described as follows:

COMMENCING at a point in the east limit of Memorial Avenue, formerly May Street as laid out by Registered Plan M-46, said point of commencement being the southwest corner of Part 2 on Reference Plan 55R-3571;

THENCE easterly along the southerly limits of Parts 2, 11, 12, 20, 21 and 22 as shown on the said Plan 55R-3571 to the southeast corner of the said Part 22;

THENCE easterly along the southerly limits of Parts 8, 21, 6 and 5 on Reference Plan 55R-4671 to the southwest corner of Part 4 on Reference Plan 55R-4443;

THENCE easterly on the southerly limit of the said Part 4 to the south-east corner of the said Part 4;

THENCE northerly along the east limit of the said Part 4 to the south-east corner of Part 4 on Reference Plan 55R-4671;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on the said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limit of Part 20 on the said Plan 55R-4671 to the point where the said east limit is intersected by the production easterly of the north limit of Part 1 on Reference Plan 55R-3714, the said north limit being the north limit of Isabel Street;

THENCE westerly along the said production and along the north limit of Part 1 on the said Plan 55R-3714 to the northwest corner of the said Part 1, which is also a point in the east limit of Memorial Avenue;

THENCE southerly along the east limit of Memorial Avenue to the point of commencement.

- Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.
- Idem

(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title

5. The short title of this Act is the *City of Thunder Bay Amendment Act, 1983*.

CHAPTER 12

An Act to amend the Motor Vehicle Accident Claims Act

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Motor Vehicle Accident Claims Act*, being chapter 298 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause: s. 1,
amended

(a) “designated insurer” means an insurer named as a designated insurer under subsection (2) and its estate.

(2) The said section 1 is further amended by adding thereto the following subsection: s. 1,
amended

(2) Where the Lieutenant Governor in Council is of the opinion that an insurer is not paying or is unable to pay, within a reasonable period of time, claims made against the insurer or claims for which final judgments have been given, the Lieutenant Governor in Council may, by regulation, name the insurer as a designated insurer for the purposes of this Act. Designated
insurer

2.—(1) Subsection 4 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, is further amended by striking out “provided that only that amount by which the judgment exceeds \$100 is payable out of the Fund” in the tenth and eleventh lines. s. 4 (1),
amended

(2) Section 4 of the said Act is amended by adding thereto the following subsection: s. 4,
amended

(1a) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section. Deductible

s. 4a,
enacted

3. The said Act is amended by adding thereto the following section:

Application
in respect of
designated
insurer

4a.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by a motor vehicle insured under a motor vehicle liability policy issued by a designated insurer, any person who would have a cause of action against the owner or driver of such motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 5 (1), may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage.

Deductible

(2) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

Payment out
of Fund
authorized

(3) The Minister may, in respect of an application made under subsection (1), make payment out of the Fund of an amount that he considers proper in all the circumstances if,

- (a) the receiver or liquidator of the designated insurer irrevocably agrees to the validity and amount of the claim; and
- (b) the applicant executes a release and direction for payment in a form prescribed by the Minister to permit the Minister to claim from the designated insurer the amount paid by him to the applicant.

s. 7 (1),
amended

4.—(1) Subsection 7 (1) of the said Act is amended by adding at the end thereof “and the assignment shall be absolute in its form and effect notwithstanding that the amount paid out of the Fund is less than the amount of the judgment”.

s. 7,
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

Non-appli-
cation of
subss. (2, 3)

(4) Subsections (2) and (3) do not apply where the judgment debtor was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

s. 8,
amended

5. Section 8 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to a judgment debtor who was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

Non-appli-
cation of
subs. (1)

6. Section 20 of the said Act is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Superintendent of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited
R.S.O. 1980,
c. 218

(2) Notwithstanding subsection (1), payments may be made out of the Fund in respect of a claim or judgment for damages where the claim or judgment is against a person who at the time of the accident that gave rise to the claim or judgment was insured under a motor vehicle liability policy issued by a designated insurer, but any amount paid in respect of the claim or judgment by the designated insurer shall be deducted from the amount payable out of the Fund.

Claims and
judgments
against
persons
insured by
designated
insurers

(3) Notwithstanding subsections (1) and (2), no amount shall be paid out of the Fund to reimburse or otherwise indemnify an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*.

No payments
by insurers

7. The said Act is further amended by adding thereto the following section:

s. 21a,
enacted

21a.—(1) This section applies only to payments out of the Fund made by reason of an insurer being named a designated insurer.

Application

(2) Where a payment is made out of the Fund by reason of an insurer being named as a designated insurer, the limits payable out of the Fund shall be those prescribed by this section and not those prescribed by section 21.

Limits
payable in
respect of
designated
insurer

(3) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclu-

Idem

sive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000.

Idem

(4) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Idem

(5) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Additional
payment

(6) Where a payment has been made out of the Fund by reason of an insurer being named as a designated insurer and the amount of the judgment, excluding interest thereon, exceeds the limits of the Fund as determined under subsections (3) to (5), upon receiving the final payment by the designated insurer, the Minister shall pay to the original judgment creditor an additional amount determined in accordance with the following formula:

$$A = (J - F) \times \frac{R}{J}$$

where,

A = The amount to be paid to the original judgment creditor under this subsection.

- F = The amount paid out of the Fund.
- J = The lesser of,

(a) the amount of the judgment, excluding interest thereon and costs therein; or

(b) the liability limit of the motor vehicle liability policy issued by the designated insurer.
- R = The total amount recovered from the designated insurer with respect to the judgment by the Minister.

(7) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Partial discharge of judgment debt

(8) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Interest

8. This Act comes into force on the day it receives Royal Assent.

Commencement

9. The short title of this Act is the *Motor Vehicle Accident Claims Amendment Act, 1983*.

Short title

CHAPTER 13

An Act to amend the Regional
Municipality of Hamilton-Wentworth Act

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Section 134 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

s. 134,
amended

(4) Upon the application of the occupier of a shop in the Regional Area, the Regional Council may by by-law exempt the shop from any provision or provisions of a by-law passed under section 211 of the *Municipal Act* on any such particular day or days of the year and for such special occasion as the by-law specifies, but no shop shall be exempted under this subsection from the provisions of a by-law passed under the said section 211 in more than two periods in any year.

Exemption
R.S.O. 1980,
c. 302

(5) In subsection (4), “period” means a period not exceeding two consecutive days in duration.

Interpre-
tation

2. The said Act is amended by adding thereto the following section:

s. 161,
enacted

161.—(1) The Regional Council may by by-law assume, without Municipal Board approval, the liability of the City of Hamilton to retire the outstanding indebtedness of the City on the debentures issued by the Regional Corporation on behalf of the City for the Hamilton Art Gallery.

Assumption
of liability
re Art
Gallery
debenture

(2) The Regional Council may by by-law pay to the City of Hamilton an amount equal to the sum paid by the City for the purpose of retiring the indebtedness referred to in subsection (1) in 1980, 1981 and 1982.

Idem

Rights and obligations affected

(3) Nothing in subsection (1) affects the rights of any debenture holder or the obligations of the City of Hamilton in relation to the debentures issued under subsection (1).

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Regional Municipality of Hamilton-Wentworth Amendment Act, 1983*.

CHAPTER 14

An Act to amend the
Municipality of Metropolitan Toronto Act

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed. s. 4,
repealed

2. Section 24 of the said Act is amended by adding thereto the following subsection: s. 24,
amended

(1a) Notwithstanding any other Act, in any proceeding to which a local board of the Metropolitan Corporation or any other body established by or under this Act is a party, costs adjudged to the local board or other body shall not be disallowed or reduced merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of such board or other body or of the Metropolitan Corporation performing such services in the discharge of his duty and remunerated therefor by his salary or for that or for any other reason was not entitled to recover any costs from the local board or other body in respect of the services so rendered and the costs recovered by or on behalf of the local board or other body in any such case shall be paid into the general funds of the local board or other body or of the Metropolitan Corporation. Costs of local
board, etc.,
in any
proceeding

3. The said Act is amended by adding thereto the following section: s. 65a,
enacted

65a.—(1) The Metropolitan Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Metropolitan Corporation and that is transported to those sewage works for receipt and disposal by the Metropolitan Corporation. Disposal of
liquid or solid
material

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Metropolitan Corporation.

s. 209 (3),
(b, c),
re-enacted

4.—(1) Clauses 209 (3) (b) and (c) of the said Act are repealed and the following substituted therefor:

(b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;

(c) for the holding of displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings.

s. 209 (7),
repealed

(2) Subsection 209 (7) of the said Act is repealed.

s. 209 (12),
re-enacted

(3) Subsection 209 (12) of the said Act is repealed and the following substituted therefor:

Agreements

(12) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place, the Canadian National Exhibition Association, the Royal Agricultural Winter Fair or other persons respecting the use, operation and maintenance of such assumed lands and any buildings or structures on such assumed lands, and any other matter or thing that the Metropolitan Council considers desirable for the full and effective use of such assumed lands, buildings or structures for the purposes set out in subsection (3).

s. 209 (13),
repealed

(4) Subsection 209 (13) of the said Act is repealed.

s. 209 (14),
re-enacted

(5) Subsection 209 (14) of the said Act is repealed and the following substituted therefor:

Idem

(14) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place or the Canadian National Exhibition Association appointing the Board or the Association as its agent to carry out any of the powers of the Metropolitan Corporation under this section, and, upon the execution of any such agreement, the Board or the Association, as the case may be, is authorized to exercise such powers, subject to such restrictions as may be set out in the agreement.

5. Section 210 of the said Act is repealed and the following substituted therefor:

s. 210,
re-enacted;
ss. 210a,
210b,
enacted

210.—(1) In this section and in sections 210a and 210b,

Interpre-
tation

- (a) “Association” means the Canadian National Exhibition Association;
- (b) “Board” means the Board of Governors established under subsection (2);
- (c) “Exhibition Place” means those lands vested in the Metropolitan Corporation under subsection 209 (1), including any buildings or structures erected thereon.

(2) There is hereby established a corporation without share capital under the name “The Board of Governors of Exhibition Place” having as its purpose and objects the operation, management and maintenance of Exhibition Place.

Board
established

(3) The *Corporations Act* does not apply to the Board.

R.S.O. 1980,
c. 95,
not to apply

(4) The Board shall consist of fourteen members composed of,

Composition
of Board

- (a) eleven members appointed by the Metropolitan Council composed of,
 - (i) three members of the Metropolitan Council,
 - (ii) three members nominated by the Association, and
 - (iii) five members who are not members of the Metropolitan Council;
- (b) the chairman of the Metropolitan Council;
- (c) the mayor of the City of Toronto; and
- (d) the president of the Association.

(5) The members of the Board appointed by the Metropolitan Council under clause (4) (a) shall hold office for a term not exceeding the term of the Council that appointed them and until their successors are appointed, and all such members are eligible for reappointment.

Term of
office

Chairman,
vice-
chairman,
quorum

(6) The Board shall elect a chairman from among its members and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers of
Board

(7) The Board shall have,

(a) a head office in the Metropolitan Area;

(b) a corporate seal upon which its corporate name shall appear;

(c) capacity to sue and be sued in its own name;

(d) capacity to enter into contracts, including contracts of employment, in its own name; and

(e) all powers incidental or conducive to the attainment of the purpose and objects of the Board set out in subsection (2).

By-laws

(8) The Board may enact by-laws regulating its proceedings and providing for the conduct and management of its affairs.

General
policies

(9) The Metropolitan Council may by by-law establish general policies to be followed in the operation, management and maintenance of Exhibition Place.

Local board

(10) The Board is a local board of the Metropolitan Corporation.

Deemed
society under
R.S.O. 1980,
c. 14, for
grant
purposes

(11) The Board for purposes of receiving grants shall be deemed to be a society under the *Agricultural Societies Act* and the provisions of that Act respecting grants apply to the Board.

Surplus or
deficit

(12) The Metropolitan Corporation shall be entitled to receive any surplus resulting from the operations of the Board and shall be responsible for any deficit incurred by the Board.

Borrowing
powers

(13) The Board may, with the prior approval of the Metropolitan Council, borrow money for the purpose of acquiring working capital, but nothing in this subsection authorizes the Board to issue debentures.

Budget

(14) The Board shall submit to the Metropolitan Council its budget for the current year at the time and in the form prescribed by the Metropolitan Council, and the budget shall be subject to approval, with or without modification, by the Metropolitan Council.

(15) After the approval of the Board's annual budget by the Metropolitan Council any and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines.

Spending in accordance with budget

(16) The Board may enter into agreements with the Association for the use of any of the Board's employees or equipment by the Association for purposes of carrying out an agreement entered into by the Association with the Metropolitan Corporation under subsection 209 (12) or (14).

Agreements

(17) A member of the Board does not have an indirect pecuniary interest, for the purposes of the *Municipal Conflict of Interest Act, 1983*, in respect of a contract, proposed contract or other matter between the Board and the Association by reason only of the member being also a member or officer of the Association.

Where no indirect pecuniary interest
1983, c. 8

210a.—(1) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, the Exhibition Stadium Corporation and The Board of Management of the Exhibition Stadium Corporation are dissolved and all the assets and liabilities of that Corporation are vested in the Board and the Board shall stand in the place and stead of the Exhibition Stadium Corporation for all purposes of any agreements to which the Exhibition Stadium Corporation was a party.

Corporation and Board dissolved

(2) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place,

Agreements

- (a) all previous agreements entered into by the Metropolitan Corporation with the Association under subsections 209 (12) and (14), or the predecessors thereof, are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
- (b) the following assets that constitute the reserves of the Association are vested in the Metropolitan Corporation:
 - 1. Reserve for Workmen's Compensation.
 - 2. Prize Guarantee Fund.
 - 3. Reserve for rehabilitation of buildings.

4. Reserve for inventory of materials and supplies;

- (c) all of the assets of the Association, other than those referred to in clause (b), are vested in the Board, with the exception of memorabilia, archives, souvenirs, medals, art works and other similar items;
- (d) all agreements entered into by the Exhibition Stadium Corporation with the Association and assumed by the Board under subsection (1), are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
- (e) the Board shall stand in the place and stead of the Association for all purposes of any agreement, except agreements to which clauses (a) or (d) apply, heretofore entered into by the Association in the exercise of its management, control or operation of Exhibition Place; and
- (f) the Metropolitan Corporation shall be responsible for any liability incurred by the board in respect of any agreement to which clause (e) applies.

Offer of
employment

210b.—(1) The Board shall offer to employ,

- (a) every person who, on the 4th day of October, 1982, is employed by the Association as a permanent employee in connection with the operation, management and maintenance of Exhibition Place and who continues to be so employed until the date of the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place; and
- (b) every person who, on the 15th day of March, 1982, is employed by the Exhibition Stadium Corporation and who continues to be so employed until the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place.

Wages and
salary

(2) Any person who accepts employment under subsection (1) shall be entitled to receive a wage or salary for the one-year period next following the commencement of his employment

with the Board of not less than he was receiving on the 4th day of October, 1982.

(3) Where any person accepts employment under subsection (1), Pension benefits

(a) he shall continue as, or become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on his transfer date; and

(b) with respect to pension benefits accrued prior to the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, his employment with the Association or with the Exhibition Stadium Corporation, as the case may be, shall be deemed to be employment with the Board.

(4) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 4th day of October, 1982. Participation in O.M.E.R.S.

(5) Any sick leave credits standing on the day an agreement is entered into between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place to the credit of any person who accepts employment under subsection (1) shall be placed to the credit of such employee in any sick leave credit plan established by the Board. Sick leave

(6) Any person who accepts employment under subsection (1) shall be entitled during 1983 to holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the Association or the Exhibition Stadium Corporation, as the case may be. Holidays

(7) Nothing in this section prevents the Board from terminating the employment of an employee for cause. Termination of employment

6. Subsection 227 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 227 (22), amended

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 2)*. Short title

CHAPTER 15

An Act to amend the Power Corporation Act

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 56g,
enacted

56g.—(1) For the purpose of facilitating the use and sale of heat energy produced by works of the Corporation in the Township of Bruce in the County of Bruce, the Corporation, with the approval of the Lieutenant Governor in Council,

Bruce energy
centre

- (a) may acquire by purchase or lease, may hold, develop, use and subdivide and may sell, lease or otherwise dispose of land in the County of Bruce for agricultural, aquacultural, commercial or industrial purposes;
- (b) may acquire by purchase or lease, may construct, install, maintain, operate and use and may sell, lease or otherwise dispose of buildings, facilities (including facilities for transportation, for communication and for public utilities) and municipal services;
- (c) may make or guarantee loans to persons who operate or who propose to operate agricultural, aquacultural, commercial or industrial enterprises utilizing heat energy, and the loans or guarantees may be made upon such terms and conditions, including terms and conditions in respect of security, repayment, costs of recovery and interest, as the Corporation determines;
- (d) may receive, may acquire by purchase or lease and may hold, use, sell, lease or otherwise dispose of personal property, and the personal property may be shares or evidences of indebtedness of a corporation that owns or controls real property or personal prop-

erty related to land or the use of land dealt with by the Corporation under clause (a) or that the Corporation proposes to acquire under clause (a).

Application
of s. 46

(2) Section 46 does not apply in respect of property of the Corporation mentioned in clauses (1) (a) to (d).

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Power Corporation Amendment Act, 1983*.

CHAPTER 16

An Act to amend the Fuel Tax Act, 1981

Assented to February 23rd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Fuel Tax Act, 1981*, being chapter 59, is amended by inserting after “required” in the first line “by the regulations”. s. 3 (1),
amended

2.—(1) Clause 30 (1) (h) of the said Act is repealed and the following substituted therefor: s. 30 (1) (h),
re-enacted

- (h) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed on the Minister by this Act or the regulations.

(2) Subsection 30 (2) of the said Act is amended by adding thereto the following clauses: s. 30 (2),
amended

- (r) prescribing those interjurisdictional carriers required to hold a registration certificate under section 3;
- (s) prescribing the location on equipment used to colour, store, transport or deliver coloured fuel where identifying labels or seals must be affixed;
- (t) prescribing the time and manner for delivering a return under subsection 10 (1).

3. Subsection 31 (2) of the said Act is repealed. s. 31 (2),
repealed

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is the *Fuel Tax Amendment Act, 1983*. Short title

CHAPTER 17

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1982 and certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1983

Assented to February 23rd, 1983

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in Schedule 1 are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1982 and that the sums mentioned in Schedule 2 are required to defray certain charges and expenses, not otherwise provided for, for the fiscal year ending the 31st day of March, 1983; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$12,604,272,800 granted by the *Supply Act, 1981*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding \$236,794,600 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1981, to the 31st day of March, 1982, as set forth in Schedule 1, and, subject to subsection (3), such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which Schedule 1 is based.

Supplementary estimates for fiscal year 1981-82
1981, c. 74

(2) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$20,248,075,400 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1982, to the 31st day of March, 1983, as set forth in

Estimates and supplementary estimates for fiscal year 1982-83

Schedule 2, and, subject to subsection (3), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(3) Where, in the fiscal year ending the 31st day of March, 1982 or 1983, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedules are based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1983*.

SCHEDULE 1

Supplementary Estimates for
Fiscal year ending 31st March, 1982

Government Services	\$ 3,837,100
Northern Affairs	1,300,000
Treasury and Economics	6,000,000
Attorney General	3,000,000
Environment	30,000,000
Municipal Affairs and Housing	38,640,400
Natural Resources	1,878,200
Transportation and Communications	14,600,000
Colleges and Universities	5,525,000
Community and Social Services	43,241,600
Health	88,772,300
TOTAL	<u>\$236,794,600</u>

SCHEDULE 2

Fiscal year ending March 31, 1983

	Estimates \$	Supplementary Estimates \$	Total \$
Office of the Lieutenant Governor	229,800		229,800
Office of the Premier	2,058,900		2,058,900
Cabinet Office	1,529,400		1,529,400
Management Board	261,586,500		261,586,500
Government Services	365,481,600		365,481,600
Intergovernmental Affairs	7,053,200		7,053,200
Northern Affairs	179,057,900		179,057,900
Revenue	599,660,700		599,660,700
Treasury and Economics	200,309,000	241,000,000	441,309,000
Office of the Assembly	27,296,400	3,441,500	30,737,900
Office of the Provincial Auditor	3,886,000		3,886,000
Office of the Ombudsman	5,124,000	96,000	5,220,000
Justice Policy	858,100		858,100
Attorney General	218,244,500	1,000,000	219,244,500
Consumer and Commercial Relations	91,669,300	1,465,000	93,134,300
Correctional Services	184,656,300		184,656,300
Solicitor General	284,563,500		284,563,500
Resources Development Policy	3,491,200		3,491,200
Agriculture and Food	236,016,700	1,900,000	237,916,700
Energy	128,735,300		128,735,300
Environment	346,061,900		346,061,900
Industry and Trade	68,884,500		68,884,500
Labour	63,809,800		63,809,800
Municipal Affairs and Housing	1,017,976,000		1,017,976,000
Natural Resources	357,232,000		357,232,000
Tourism and Recreation	88,643,200		88,643,200
Transportation and Communications	1,413,868,500		1,413,868,500
Social Development Policy	5,448,700		5,448,700
Citizenship and Culture	221,745,000		221,745,000
Colleges and Universities	1,860,028,000		1,860,028,000
Community and Social Services	1,970,515,000	97,030,100	2,067,545,100
Education	3,032,664,900		3,032,664,900
Health	6,543,757,000	110,000,000	6,653,757,000
TOTAL	<u>19,792,142,800</u>	<u>455,932,600</u>	<u>20,248,075,400</u>

CHAPTER 18

An Act to amend the Provincial Courts Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 (4) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 5 (4), re-enacted

(4) A judge who has attained the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in office as a full-time or part-time judge until he or she attains the age of seventy years, and a judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in office as a full-time or part-time judge until he or she has attained the age of seventy-five years. Continuation of judges in office

(5) An associate chief judge or senior judge who is in office upon attaining the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in that office until he or she has attained the age of seventy years, and an associate chief judge or senior judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years. Continuation of associate chief judge and senior judges in office

(6) A Chief Judge or the senior judge of the Provincial Court (Civil Division) who is in office upon attaining the age for retirement under subsection (1) or (2) may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years. Continuation of Chief Judge in office

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Provincial Courts Amendment Act, 1983*. Short title

CHAPTER 19

**An Act to incorporate
The Toronto Futures Exchange**

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “associate”, “director”, “issuer” and “senior officer” have the same meaning as in the *Securities Act*;

R.S.O. 1980,
c. 466

- (b) “board of directors” means the board of directors of The Toronto Futures Exchange;

- (c) “commodity”, “commodity futures contract” and “commodity futures option” have the same meaning as in the *Commodity Futures Act*;

R.S.O. 1980,
c. 78

- (d) “Corporation” means The Toronto Futures Exchange;

- (e) “exchange” means the exchange operated by the Corporation;

- (f) “futures member” means a member of the Corporation who conducts the business of trading commodities, options on commodities, commodity futures contracts and commodity futures options and who is admitted to membership in accordance with the by-laws;

- (g) “insider” means,

(i) every director or senior officer of an issuer,

(ii) every director or senior officer of a company that is itself an insider or subsidiary of an issuer,

- (iii) any person or company who beneficially owns, directly or indirectly, voting securities of an issuer or who exercises control or direction over voting securities of an issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and
- (iv) an issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;
- (h) “public director” means a member of the board of directors elected under subsection 8 (3);
- (i) “sponsor member” means The Toronto Stock Exchange, and any other stock exchange, securities exchange, commodities exchange, association of securities or commodities dealers or similar organization that is admitted to membership in accordance with the by-laws.

Corporation
established

2. There is hereby established a corporation without share capital under the name of “The Toronto Futures Exchange”.

Head office

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Object

4.—(1) The object of the Corporation is to operate an exchange in Ontario for trading in commodities, options on commodities, commodity futures contracts and commodity futures options by the members of the Corporation and other persons authorized under subsection (2).

Trading by
non-members

(2) The board of directors may authorize persons other than members to trade on the exchange, subject to such terms and conditions as are imposed by the board of directors.

Compliance
with
R.S.O. 1980,
c. 78

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of the *Commodity Futures Act*, the regulations made thereunder, and any decision of the Ontario Securities Commission made under that Act and regulations, and the Corporation may impose any additional or higher requirement within its jurisdiction.

5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.

Non-profit

6. The membership of the Corporation shall be composed of futures members, sponsor members and such other classes of membership as the by-laws provide.

Membership

7.—(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,

Board of directors

- (a) the President of the Corporation;
- (b) two public directors or, where the by-laws so provide, up to four public directors; and
- (c) eight other directors elected by the members in accordance with this Act and the by-laws.

(2) Where a vacancy occurs on the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board of directors remains in office.

Vacancies

8.—(1) The directors, except the President and the public directors, shall be elected by the members annually in such manner as the by-laws provide except that three directors shall be elected by the sponsor members and, subject to subsection (2), five directors shall be elected by the futures members of the Corporation.

Election of directors

(2) Where the class of futures members includes a group of one or more futures members who are not members of The Toronto Stock Exchange or affiliates, associates or insiders of a member of The Toronto Stock Exchange, one of the five directors elected by futures members shall be elected by a majority of the votes cast by the futures members that form the group.

Idem

(3) The public directors shall be elected annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation, and any vacancy occurring in the office of the public directors may be filled by the election of another person for the remainder of the term by the directors then in office.

Election of public directors

(4) A person is not eligible to be a public director if the person is,

Eligibility of public directors

- (a) a futures member of the Corporation;

- (b) an associate or insider of a futures member of the Corporation;
- (c) a member of The Toronto Stock Exchange; or
- (d) an associate or insider of a member of The Toronto Stock Exchange.

Idem (5) No person shall be elected as a public director unless the person's nomination for election is approved by the Lieutenant Governor in Council on the recommendation of a nominating committee constituted in accordance with the by-laws and co-chaired by the President of the Corporation and the President of The Toronto Stock Exchange.

First board of directors (6) Notwithstanding subsection 7 (1) or subsections (1) to (5) of this section, the first board of directors shall consist of five persons appointed by the Lieutenant Governor in Council on the recommendation of the Board of Directors of The Toronto Stock Exchange who shall hold office until the board of directors is reconstituted in accordance with this Act.

First meeting (7) The first board of directors shall call a meeting of the members within three months of the coming into force of this Act for the purpose of reconstituting the board of directors in accordance with this Act.

Election of chairman, vice-chairman **9.—**(1) The chairman and every vice-chairman of the board of directors shall be elected by the board of directors.

Appointment of President (2) The President of the Corporation shall be appointed by the board of directors and shall be a person nominated by the Board of Directors of The Toronto Stock Exchange.

Eligibility for appointment (3) A person is not eligible to be the President if the person is,

- (a) a futures member of the Corporation;
- (b) an associate or insider of a futures member of the Corporation;
- (c) a member of The Toronto Stock Exchange; or
- (d) an associate or insider of a member of The Toronto Stock Exchange.

Removal of President (4) The President may be removed from office by the board of directors upon a vote of two-thirds of the directors then in office.

(5) Each officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be appointed by the President with the approval of the board of directors.

Officers

(6) No officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be a director or member of the Corporation.

Idem

10. The President shall be the chief executive officer of the Corporation.

Duty of President

11.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate,

Power of board

- (a) the exchange;
- (b) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition; and
- (c) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of the *Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order.

R.S.O. 1980,
c. 95

(2) If the board of directors passes a by-law that provides for the making of an order restricting or suspending the privileges of any person or company of a class referred to in the by-law before a hearing of the matter is held, the by-law shall provide that any such restriction or suspension shall be imposed only where the board of directors considers it necessary for the protection of the public interest and that the restriction or suspension shall expire fifteen days after the date on which the order was made unless a hearing is held within that period of time to confirm or set aside the order.

Immediate
restriction or
suspension

Delegation
of powers

(3) The board of directors may pass by-laws delegating to one or more persons or committees the power of the board of directors,

- (a) to consider, hold hearings and make determinations regarding applications for any acceptance, approval, registration or authorization and to impose terms and conditions on any such acceptance, approval, registration or authorization;
- (b) to investigate and examine the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business; and
- (c) to hold hearings, make determinations and impose suspensions or other discipline on members and persons referred to in clause (b) in matters related to business conduct,

subject to such limitations, restrictions, conditions and requirements as the board of directors may set out in the by-laws.

Meetings by
telephone,
etc.

12. A meeting of the board of directors or of any committee established by the board of directors may be held by means of telephone, electronic or other communication facilities if,

- (a) the telephone, electronic or other communication facilities permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously; and
- (b) all of the directors or committee members, as the case may be, participating in the meeting consent,

and a person participating in such a meeting by such means shall be deemed to be present at the meeting.

Power to
hold land

13. The Corporation may acquire by purchase, lease or otherwise, and may hold, for any period of time, any land or interest therein in The Municipality of Metropolitan Toronto whether or not such land or interest is necessary for its actual use or occupation or for carrying on its undertaking and may sell, charge, lease or otherwise deal with or dispose of such land or any interest therein.

Application
of
R.S.O. 1980,
c. 95

14. The *Corporations Act*, except sections 131, 275, 276 and 312, applies to the Corporation, except,

- (a) to the extent that the provisions thereof are inconsistent with this Act;
- (b) that a public director may not be removed from office under section 67 of that Act; and
- (c) that the by-laws of the Corporation may,
 - (i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings as nominees of futures members provided that one such class shall be futures members,
 - (ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and
 - (iii) fix the quorum for meetings of the board at four or any larger number of directors as specified in the by-laws.

15. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under the *Commodity Futures Act* or any other Act.

Powers of
Ontario
Securities
Commission
R.S.O. 1980,
c. 78

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

17. The short title of this Act is the *Toronto Futures Exchange Act, 1983*.

Short title

CHAPTER 20

An Act to amend the Land Transfer Tax Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Land Transfer Tax Act*, being chapter 231 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause: s. 1 (1),
amended

- (a) “associate”, where used to indicate a relationship with any person or company means,
 - (i) any company of which such person or company beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all voting securities of the company for the time being outstanding,
 - (ii) any partner of that person or company,
 - (iii) any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
 - (iv) the spouse or any parent, son or daughter, brother or sister of that person, or
 - (v) any relative of such person or of his spouse who has the same home as such person.

(2) Clause 1 (1) (b) of the said Act is amended by inserting after “Ontario” in the fifth line “or the registration of a caution or notice of any kind signifying the existence of an unregistered instrument or writing by which land is conveyed”. s. 1 (1) (b),
amended

(3) Clause 1 (1) (c) of the said Act is amended by striking out “notice or caution” in the fourth line and inserting in lieu thereof “caution or notice of any kind”. s. 1 (1) (c),
amended

s. 1 (1) (f) (ii),
amended

(4) Subclause 1 (1) (f) (ii) of the said Act is amended by inserting after “person” in the fifth line “or by that person and one or more persons who are associates of that person and who are themselves non-resident persons” and by inserting after “person” in the eighth line “or group of non-resident persons”.

s. 1 (1) (f),
amended

(5) Clause 1 (1) (f) of the said Act is amended by striking out “or” at the end of subclause (iv) and by adding thereto the following subclauses:

- (vi) one-quarter or more of the paid-up capital of which is held by a non-resident person or by that person and one or more persons who are associates of that person and who are themselves non-resident persons,
- (vii) one-half or more of the paid-up capital of which is held by one or more non-resident persons,
- (viii) that would be required on dissolving, winding-up, or any other distribution that is not a dividend, to distribute one-quarter or more of its surplus to a non-resident person or to that person and one or more persons who are associates of that person and who are themselves non-resident persons, or
- (ix) that would be required on dissolving, winding-up, or any other distribution of surplus that is not a dividend, to distribute one-half or more of its surplus to one or more non-resident persons.

s. 1 (1),
amended

(6) Subsection 1 (1) of the said Act is further amended by adding thereto the following clauses:

(ga) “notice of any kind” includes a recital or reference made in any registered instrument;

.

R.S.O. 1980,
c. 152

(ja) “spouse” means spouse as defined in clause 14 (b) of the *Family Law Reform Act*.

s. 1 (1) (k),
re-enacted

(7) Clause 1 (1) (k) of the said Act is repealed and the following substituted therefor:

(k) “tax” means the tax imposed by this Act and includes all penalties and interest that are or may be added to a tax under this Act.

(8) Sub-subclause 1 (1) (p) (ii) (A) of the said Act is repealed and the following substituted therefor:

s. 1 (1) (p)
(ii) (A),
re-enacted

(A) the value of the consideration determined under subclause (i) plus the amount owed under the mortgage or charge at the time it is foreclosed, including principal, interest and all other costs and expenses other than municipal taxes, secured by the mortgage or charge and owing at the time plus the amount owing similarly calculated under any mortgage or charge that is subsequent in priority to the mortgage or charge in respect of which the final order of foreclosure is made and that is held by the mortgagee or chargee in whose favour the final order of foreclosure that is registered is made, or

.

(9) Subclause 1 (1) (p) (iii) of the said Act is amended by striking out “a notice in writing signifying the existence of a lease of land or of a transfer” in the third and fourth lines and inserting in lieu thereof “a notice of any kind in writing signifying the existence of an unregistered lease of land or of an unregistered transfer”.

s. 1 (1) (p)
(iii), amended

(10) Subclause 1 (1) (p) (iv) of the said Act is repealed and the following substituted therefor:

s. 1 (1) (p)
(iv), re-
enacted

(iv) in the case of a caution or notice of any kind in writing signifying the existence of any unregistered instrument or writing by which land is conveyed and that is not a notice in writing described in subclause (iii), the value of the consideration determined under subclause (i) or (ii) for the land conveyed by the unregistered instrument or writing that is referred to in such caution or notice in writing that is not a notice in writing described in subclause (iii).

(11) Clause 1 (1) (p) of the said Act is amended by adding thereto the following subclauses:

s. 1 (1) (p),
amended

(vi) in the case of a conveyance of land from a trustee to another trustee (whether or not either trustee is so described in the conveyance) where,

(A) the person to whom or for whose benefit any equitable or beneficial interest in the land is held is not the same person to whom or for whose benefit any equitable or beneficial interest in the land was held by the trustee making the conveyance when that trustee first acquired his legal interest in the land, and

(B) valuable consideration has been given by the transferee of an equitable or beneficial interest for the transfer of any equitable or beneficial interest in the land held by the trustee making the conveyance while that trustee was the holder of the legal interest in the land,

the fair market value, ascertained at the time of the tender for registration, of the land to which the conveyance extends, or

(vii) in the case of a conveyance of land to a corporation where any part of the consideration consists of the allotment and issuance of the corporation's shares or in the case of a conveyance of land from a corporation to any of its shareholders the fair market value, ascertained at the time of the tender for registration, of the land to which the conveyance extends.

s. 1,
amended

(12) Section 1 of the said Act is amended by adding thereto the following subsections:

Deemed
ownership of
shares

(2a) Where a person has a right, either as an incident of ownership of a share of a corporation or otherwise under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, equity shares in a corporation, those shares shall, unless the right is contingent upon an event that it is not reasonable to expect to occur within a reasonable time or is such that a reasonable man concerned only with the value of the shares would not exercise it, be deemed to be owned by the person who has the right, and, where the shares are unissued, the shares shall be deemed to be issued and outstanding, and the shares shall be deemed to

have a paid-up capital value, with respect to each share equal to,

- (a) the par value, where the shares have a par value;
- (b) the amount that would be paid with respect to each share to exercise the right under the terms of the contract, where the shares have no par value and an amount is specified in the contract; or,
- (c) the market value of a share of the class of shares of that corporation that is most clearly similar to that share, where the shares have no par value and no amount is specified in the contract,

and any other person who actually owns the share in respect of which that right exists shall be deemed not to own those shares.

(2b) Where any share of a corporation, or any interest in any share of a corporation as described in subsection (2a), is owned jointly and one or more of the joint owners is a non-resident, the share or interest shall be deemed to be owned by a non-resident person.

Where one or more joint owners a non-resident

(13) Subsection 1 (4) of the said Act is amended by inserting after “notice” in the fourth line “of any kind”.

s. 1 (4), amended

(14) Section 1 of the said Act is further amended by adding thereto the following subsection:

s. 1, amended

(5) For the purposes of this Act, farming shall not be considered to be a commercial or industrial business.

Interpretation

2. Section 2 of the said Act is amended by adding thereto the following subsections:

s. 2, amended

(2a) Where there is a disposition of agricultural land within the meaning of clause (2c) (a) or (b), and where a corporation that owns the land becomes, as a result of the disposition, a non-resident corporation other than a non-resident corporation the equity shares of which have been listed and posted for trading on any stock exchange prescribed under Part XXXII of the Income Tax regulations, being chapter 945 of the Consolidated Regulations of Canada, made under the *Income Tax Act* (Canada), there shall be imposed and levied upon the agricultural land so disposed of, for the use of Her Majesty in right of Ontario, a tax computed at the rate of 20 per cent of the fair market value of the land at the time of disposition and the tax is payable to the Treasurer by the corporation that owns the land immediately upon the disposition and shall be remitted to the

Tax imposed on dispositions

R.S.C. 1952, c. 148

Minister at the time of disposition by the person responsible for its payment.

Idem

(2b) Where there is a disposition of agricultural land within the meaning of clause (2c) (c), and where a trust that owns the land becomes, as the result of the disposition, a non-resident person, there shall be imposed or levied upon the agricultural land so disposed of, for the use of Her Majesty in right of Ontario, a tax computed at the rate of 20 per cent of the fair market value of the land at the time of the disposition and the tax is payable to the Treasurer immediately upon the disposition by the trust, and the trustee or other holder of the legal interest in the land shall remit the tax to the Minister out of the money or other property in his possession belonging or owing to the beneficiaries at the time of the disposition.

Dispositions
defined

(2c) In this section, a disposition of agricultural land includes,

R.S.O. 1980,
c. 31

- (a) the sale or transfer in any manner of any beneficial interest in, or the allotment and issue of, including the acquisition of an interest as described in subsection 1 (2a) of shares that are shares in the capital stock of a corporation one of the assets of which consists of any land that is assessed under the *Assessment Act*, or is actually used, as agricultural or farm land, woodlands or as an orchard, but this clause does not apply to any transfer of the beneficial interest in such shares that occurs by reason of the death of the owner of them and that is not provided for by an agreement enforceable against the corporation that issued such shares or enforceable by or against the person legally or beneficially entitled to such shares immediately following the death of the owner of them;
- (b) the amalgamation, merger, consolidation or any other like arrangement of any two or more corporations one of the assets of any one or more of which consists of any land that is assessed under the *Assessment Act*, or is actually used, as agricultural or farm land, woodlands or as an orchard; or
- (c) the sale or transfer, however effected, of any part of the beneficial interest in, any change in the entitlement to, or any accretion to, the beneficial interest in land that is assessed under the *Assessment Act*, or actually used, as agricultural or farm land, woodlands or as an orchard, including any declaration of trust where any part of the corpus of the trust is such

land, but this clause does not apply to any transfer of any beneficial interest in land that occurs by reason of the death of the owner of such interest and that is not provided for by an agreement enforceable by or against the person legally or beneficially entitled to such interest immediately following the death of the owner of it.

3.—(1) Subsection 4 (1) of the said Act is amended by striking out “such other information as the Minister may prescribe to be disclosed in the affidavit” in the eighth and ninth lines and inserting in lieu thereof “such affidavit shall state whether the transferee to whom the land is being conveyed is a non-resident person or the trustee for a non-resident person and shall contain such other information as the Minister may prescribe to be disclosed”.

s. 4 (1),
amended

(2) Subsection 4 (2) of the said Act is repealed.

s. 4 (2),
repealed

(3) Subsection 4 (3) of the said Act is amended,

s. 4 (3),
amended

(a) by striking out that portion of the subsection that precedes clause (a) and inserting in lieu thereof “The affidavit required by subsection (1) shall be made by”;

(b) by striking out “married to” in the first line of clause (g) and inserting in lieu thereof “spouses of”; and

(c) by striking out that portion of the subsection that follows clause (g).

(4) Subsection 4 (4) of the said Act is amended by striking out “or (3)” in the first line.

s. 4 (4),
amended

(5) Subsection 4 (6) of the said Act is repealed.

s. 4 (6),
repealed

(6) Subsection 4 (7) of the said Act is repealed and the following substituted therefor:

s. 4 (7),
re-enacted

(7) Notwithstanding subsection (1), no affidavit is required under that subsection on the tender for registration of a conveyance to or in trust for a transferee who is expressly named in the conveyance and who is Her Majesty in right of Ontario, Her Majesty in right of Canada or a Crown agency within the meaning of the *Crown Agency Act*.

Affidavit not
required

R.S.O. 1980,
c. 106

(7) Subsection 4 (8) of the said Act is repealed and the following substituted therefor:

s. 4 (8),
re-enacted

Returns

(8) Every person liable to pay tax under subsection 2 (2a) and every trustee or other holder of the legal interest in agricultural land with respect to which a disposition has occurred who is liable to remit the tax out of the money or other property in his possession belonging or owing to the beneficiaries of a trust liable to pay tax under subsection 2 (2b) shall deliver a return to the Minister in such form as the Minister shall prescribe on or before the 30th day following the day when the tax becomes payable and shall remit the tax payable with the return.

Penalty for default in filing returns

(9) Every person who fails to deliver a return as required by subsection (8), or who fails to remit with his return the amount of tax payable, shall pay, when assessed therefor, a penalty of an amount equal to 25 per cent of the tax payable.

Extension of time for returns

(10) The Minister may extend the time for making the return required under subsection (8) either before or after the time for making it has expired.

Offence

(11) In addition to any penalty assessed under subsection (9), every person who has failed to deliver a return as required by subsection (8) is guilty of an offence and on conviction is liable to a fine of not less than 25 per cent of the tax payable plus, in an appropriate case, an amount of not more than the amount of tax payable.

Trustee not personally liable if he deducts tax

(12) A trustee or other holder of the legal interest in agricultural land with respect to which a disposition has occurred is not, as such, personally liable for the tax levied under subsection 2 (2b), but no person in Ontario shall pay, deliver, assign or transfer to or for the benefit of the person beneficially entitled thereto any property that is vested in him as trustee or other holder of the legal interest in such property at any time after the tax levied under subsection 2 (2b) becomes payable without deducting therefrom or collecting an amount sufficient to pay the tax levied.

Penalty

(13) Every such trustee or other holder of the legal interest in agricultural land with respect to which a disposition has occurred who transfers property that is vested in him as trustee or other holder of the legal interest in such property without deducting therefrom or collecting in accordance with subsection (12) the tax payable under subsection 2 (2b) by the trust is guilty of an offence and on conviction is liable to a fine equal to 125 per cent of such tax.

Raising of funds for tax

(14) A trustee or other holder of the legal interest in agricultural land with respect to which a disposition has occurred who is required by subsection 2 (2b) to pay tax out of the money or other property in his possession belonging or owing to the

beneficiaries of a trust liable to pay tax under subsection 2 (2b), has, for the purpose of paying such tax, the power to raise the amount of such tax and any interest and expense properly incurred by him in respect thereof, by sale, mortgage, lease or pledge, of so much property as may be necessary for such purpose.

(15) Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty the Queen in right of Ontario.

Fines payable to Treasurer

4. Section 5 of the said Act is repealed and the following substituted therefor:

s. 5, re-enacted

5. Any person who has made, or participated in, assented to or acquiesced in the making of, a false or deceptive statement in a return required under subsection 4 (8) or in a response to a demand of the Minister under subsection 8 (2) is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on conviction to a fine of the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than \$50 and not more than \$1,000.

False statements

5.—(1) Subsection 7 (3) of the said Act is amended by striking out “notice or caution in writing signifying the existence of any” in the first and second lines and inserting in lieu thereof “caution or notice of any kind signifying the existence of any unregistered”.

s. 7 (3), amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

s. 7, amended

(5) Where a person has, in accordance with this Act and the regulations, applied for a refund under this Act and his claim is in whole or in part refused, the Minister shall cause to be delivered to such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

Disallowance of refund

6.—(1) Subsection 11 (1) of the said Act is repealed and the following substituted therefor:

s. 11 (1), re-enacted

(1) Where a person objects to an assessment made under section 10 or a statement of disallowance made under subsection 7 (5), he may, within ninety days after the day of mailing or delivery by personal service of the notice of assessment or statement of disallowance, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice of objection

s. 11 (3),
re-enacted

(2) Subsection 11 (3) of the said Act is repealed and the following substituted therefor:

Reconsideration

(3) Upon receipt of a notice of objection, the Minister shall with all due despatch reconsider the assessment or statement of disallowance and vacate, confirm or vary the assessment or statement of disallowance or reassess or serve a fresh statement of disallowance and he shall thereupon notify the person who has made the objection of his action by registered mail.

s. 12 (1),
re-enacted

7.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) After the Minister has given the notification required by subsection 11 (3), a person who has served notice of objection under section 11 may appeal to the Supreme Court to have the assessment or the statement of disallowance vacated or varied or reassessed or a fresh statement of disallowance issued, but no appeal under this section shall be instituted after the expiration of ninety days from the day on which notice has been mailed to such person under subsection 11 (3).

s. 12 (7),
amended

(2) Subsection 12 (7) of the said Act is amended by striking out “to vacate the assessment, vary the assessment or reconsider the assessment and reassess” in the third and fourth lines and inserting in lieu thereof “to vacate, vary or reconsider the assessment or statement of disallowance and reassess or issue a fresh statement of disallowance”.

s. 13 (1) (b),
amended

8.—(1) Clause 13 (1) (b) of the said Act is amended by striking out “interest and penalty or any of them” in the fifth line.

s. 13,
amended

(2) Section 13 of the said Act is amended by adding thereto the following subsections:

Lien on real
property in
respect of
taxes

(1a) All taxes, costs and other amounts imposed under this Act are, upon the registration by the Minister in the proper land registry office of a notice claiming the first lien and charge conferred by this subsection, a first lien and charge upon any real property in Ontario or any interest therein of the person liable to pay such taxes, costs and other amounts, and such first lien and charge has priority over all encumbrances or claims registered or attaching to the subject property subsequent to the registration of the notice.

Where a
person is not
a registered
owner

(1b) Where a person has an interest in real property but is not shown as the registered owner thereof in the proper land registry office,

- (a) the notice to be registered under subsection (1a) shall recite the interest of the person in the real property; and
- (b) a copy of the notice registered under subsection (1a) shall be sent to the registered owner at his address to which the latest notice of assessment under the *Assessment Act* has been sent.

R.S.O. 1980,
c. 31

9.—(1) Subsection 15 (1) of the said Act is repealed and the following substituted therefor:

s. 15 (1),
re-enacted

(1) Where the tax imposed by section 2 or any penalty under subsection 4 (9) is not paid at the time provided for, interest on the unpaid amount shall be paid to the Treasurer at such rate as is prescribed by the Lieutenant Governor in Council and the Lieutenant Governor in Council may also prescribe the method by which such interest is to be calculated, but no interest is payable for any period of time prior to the 10th day of April, 1974.

Interest on
unpaid tax

(2) Subsection 15 (2) of the said Act is repealed.

s. 15 (2),
repealed

10. Section 16 of the said Act is repealed and the following substituted therefor:

s. 16,
re-enacted

16.—(1) Where tax may be payable on the registration of a conveyance of land to a non-resident person, and that person satisfies the Minister prior to the registration of the conveyance that the land was or is to be acquired,

Deferral of
tax on certain
conveyances
to non-
residents

- (a) by a non-resident person who undertakes to the Minister to develop and resell the land for residential, commercial or industrial purposes not later than five years after the date of the grant of the deferral under this section;
- (b) by a non-resident person who undertakes to the Minister to establish, expand or relocate any active commercial or industrial business that is or will be carried on by the non-resident person, and the non-resident person undertakes to obtain any zoning changes necessary to permit the land to be used as proposed within the time agreed to by the Minister, and to complete the establishment, expansion or relocation within the time agreed to by the Minister, but the time for completing the establishment, expansion or relocation shall not exceed five years from the date of the grant of the deferral under this section;

- (c) by a non-resident person who is a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person not later than five years after the date of the grant of the deferral under this section;
- (d) by a non-resident person who is acquiring the land from a transferor with whom he deals at arm's length as a result of a final order of foreclosure under a mortgage or charge affecting the land or in satisfaction of the obligations of the transferor to the transferee under a mortgage or charge affecting the land which is in default and who undertakes to the Minister to resell the land not later than five years after the date of the grant of the deferral under this section; or
- (e) by a non-resident person who is an individual other than a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within two years after the date of the grant of the deferral under this section,

the Minister may defer the payment by the non-resident person of that portion of the tax imposed by subsection 2 (2) which exceeds the tax imposed by subsection 2 (1), on condition that security in a form and of a kind acceptable to the Minister is furnished to the Minister for the performance of the undertakings given by the non-resident person.

Rebate of tax
on certain
conveyances
to non-
residents

(2) Where the tax imposed by subsection 2 (2) has been paid on the registration of a conveyance of land to a non-resident person, the Minister may rebate and provide a deferral of that portion of the tax imposed by subsection 2 (2) which exceeds the tax imposed by subsection 2 (1), if the land was acquired and still owned by,

- (a) a non-resident person who undertakes to the Minister to develop and resell the land for residential, commercial or industrial purposes not later than five years after the date of the registration of the conveyance;
- (b) a non-resident person who undertakes to the Minister to establish, expand or relocate any active commercial or industrial business that is or will be carried on by the non-resident person and the non-resident person undertakes to obtain any zoning changes necessary to permit the land to be used as proposed within the time agreed to by the Minister and to complete the establishment, expansion or relocation within the time agreed to by the Minister, but the

time for completing the establishment, expansion or relocation shall not exceed five years from the date of the registration of the conveyance;

- (c) by a non-resident person who is a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person not later than five years after the date of the registration of the conveyance;
- (d) by a non-resident person who acquired the land from a transferor with whom he deals at arm's length as a result of a final order of foreclosure under a mortgage or charge affecting the land or in satisfaction of the obligations of the transferor to the transferee under a mortgage or charge affecting the land which was in default and who undertakes to the Minister to resell the land not later than five years after the date of the registration of the conveyance; or
- (e) by a non-resident person who is an individual other than a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within two years after the date of the registration of the conveyance,

and on the condition that security in a form and of a kind acceptable to the Minister is furnished to the Minister for the performance of the undertakings given by the non-resident person.

(3) No rebate or deferral of tax may be granted under subsection (2) unless application is made therefor by the non-resident person not later than six months after the registration of the conveyance of the land to him. Idem

(4) Where the Minister is satisfied that a person has performed the conditions undertaken by him under subsection (1) or (2), the Minister shall return to the person the security furnished in respect of the deferral granted and the amount of tax deferred is thereupon cancelled and no longer owing as tax under this Act. Deferred tax cancelled

(5) Where a person fails to perform the conditions undertaken by him under subsection (1) or (2) to the satisfaction of the Minister, the amount of the tax deferred under subsection (1) or (2) shall become immediately due and payable together with interest thereon at the prescribed rate calculated from the date of registration of the conveyance of the land to the person, and the Minister may enforce the security furnished by the per- Deferred tax collected

son and apply the proceeds towards the amount owed under this Act.

Extension of
time

(6) Notwithstanding subsection (5), the Minister may extend the time for fulfilling any undertaking given by a non-resident person under subsection (1) or (2), upon terms and conditions acceptable to the Minister, for a period of time not exceeding one year.

Idem

(7) The Minister may at such time or times as he considers advisable publish in *The Ontario Gazette* the particulars of a deferral of tax or extension of deferral given under this section.

Reduction of
tax on land
acquired for
principal
residence

(8) Where it is established to the satisfaction of the Minister that land will be acquired by a non-resident person,

- (a) who is a Canadian citizen, or the spouse of a Canadian citizen, for the purpose of using the land only for the principal residence or principal recreational property of the Canadian citizen or his spouse upon the return of either of them to Canada to take up permanent residence; or
- (b) who is an employer, for the principal purpose of selling the land to an employee, or to any employee and his spouse, to be used only as the residence of the employee and members of his family or of his usual domestic establishment, or for the principal purpose of making the land available for the exclusive use of his employees and members of their families, or of their usual domestic establishments, as a place of residence only,

the Minister may cancel that portion of the tax imposed by subsection 2 (2) which exceeds the tax imposed by subsection 2 (1).

Reduction of
consideration
on land
acquired to
replace land
compulsorily
taken

(9) Where it is established to the satisfaction of the Minister that land is being acquired by a person for the purpose of replacing land that was taken from him under statutory authority, that was sold by him to a person by whom notice of an intention to take the land under statutory authority was given, or that was sold by him to a person having the power to take the land under statutory authority and it is reasonable to assume that, had the land not been sold, it would have been taken from him by that person under statutory authority, the value of the consideration for the land being acquired shall be reduced by an amount equal to the compensation or proceeds of sale reasonably attributable to the land that was taken or sold.

(10) Where a person entitled to the leasehold interest in land acquires the freehold interest therein, the value of the consideration for the conveyance to the person of the freehold interest may be reduced by the amount of the value of the consideration for the conveyance by which the person acquired his leasehold interest in the land, if the value of that consideration was determined under subclause 1 (1) (p) (iii) and tax was computed and paid with respect to the value of that consideration so determined, but the reduction shall not exceed the value of the consideration for the conveyance of the freehold interest.

Reduction of consideration on lessee acquiring freehold

11. The said Act is amended by adding thereto the following section:

s. 17a, enacted

17a. If any doubt or dispute arises as to the liability to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Minister may accept such amount as he deems proper.

Resolving disputes

12.—(1) This Act, except subsections 1 (1), (5) and (12), section 2, subsection 3 (7) and section 4, comes into force on the day it receives Royal Assent.

Commencement and application

(2) Subsections 1 (1), (5) and (12), section 2, subsection 3 (7) and section 4 shall be deemed to have come into force on the 21st day of April, 1983.

Idem

(3) For dispositions occurring on or before the day this Act receives Royal Assent, the return required to be delivered to the Minister under subsection 4 (8) of the *Land Transfer Tax Act*, as re-enacted by subsection 3 (7) of this Act, shall be delivered on or before the thirtieth day following the day this Act receives Royal Assent.

Idem

R.S.O. 1980, c. 231

(4) Provided that no disposition of agricultural land described in subsection 2 (2c) of the *Land Transfer Tax Act*, as enacted by section 2 of this Act, has occurred, no tax is payable where a corporation or trust becomes a non-resident person as a result of the amendments contained in section 1 of this Act, and no tax is payable with respect to any disposition of agricultural land that occurred before the 21st day of April, 1983.

Idem

13. The short title of this Act is the *Land Transfer Tax Amendment Act, 1983*.

Short title

CHAPTER 21

An Act to amend the Solicitors Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 35,
re-enacted

35.—(1) A solicitor may charge interest on unpaid fees, charges or disbursements, calculated from a date that is one month after the bill is delivered under section 2. Interest
on unpaid
accounts

(2) Where, on a taxation of a solicitor’s bill of fees, charges and disbursements, it appears that the client has overpaid the solicitor, the client is entitled to interest on the overpayment calculated from the date when the overpayment was made. Interest on
overpayment
of accounts

(3) The rate of interest chargeable under subsection (1) or (2) shall not exceed the rate that is established by section 36 of the *Judicature Act* in respect of an action that is commenced on the day the bill is delivered, or the overpayment is made, as the case may be. Rate of
interest

R.S.O. 1980,
c. 223

(4) The rate of interest applicable to a bill shall be shown on the bill delivered. Idem

(5) On the taxation of a solicitor’s bill, the taxing officer may, where he considers it to be just to do so in all the circumstances, Variation
of rate on
taxation

- (a) disallow interest; or
- (b) fix a rate of interest that is less than the maximum rate authorized by this section,

in respect of the whole or any part of the amount allowed on the taxation.

Application
to accounts
before
section
comes into
force
1983, c. 21

(6) This section applies to money owing on a bill or in respect of the overpayment of a bill, notwithstanding that the debt was incurred before section 1 of the *Solicitors Amendment Act, 1983* came into force, but in that case,

- (a) the bill must be delivered or redelivered after that date and the date of such delivery is the date of delivery for the purposes of subsections (1) and (3); and
- (b) the interest on an overpayment shall be calculated from that date.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Solicitors Amendment Act, 1983*.

CHAPTER 22

An Act to amend the
Small Claims Courts Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of the *Small Claims Courts Act*, being chapter 476 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) There shall be a clerk and one or more bailiffs for every small claims court, who shall be appointed by the Lieutenant Governor in Council and hold office during pleasure.

Every court
to have clerk
and bailiff

(2) The Lieutenant Governor in Council may appoint a referee for each small claims court, on the recommendation of the judge, and the referee shall hold office during pleasure.

Referees

2. Sections 75, 76 and 77 of the said Act are repealed.

ss. 75-77,
repealed

3. Section 93 of the said Act is repealed.

s. 93,
repealed

4.—(1) The said Act is amended by adding thereto the following section:

s. 115a,
enacted

115a.—(1) A judgment bears interest, from the date it is given, at the prime rate as defined in subsection 56 (1) and established under subsection 56 (2) for the month preceding the month in which the judgment is given.

Post-
judgment
interest

(2) The judge may, where he considers it just to do so in all the circumstances,

Discretion
of judge

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate; or

(c) fix a date other than the date of judgment from which interest is to run,

in respect of the whole or any part of the amount for which judgment is given.

Application of s. 115a

(2) Subsection (1) does not apply to judgments given before this Act comes into force.

s. 116 (2), re-enacted; s. 116 (3), repealed

5. Subsections 116 (2) and (3) of the said Act are repealed and the following substituted therefor:

Form of execution

(2) The clerk, at the request of the party prosecuting the judgment or order, shall issue an execution to a bailiff of the court, who by virtue thereof shall levy by distress and sale of the goods and chattels of the party in default such sum and costs as have been ordered to be paid and remain due, and shall pay such sum and costs over to the clerk.

s. 126 (1), re-enacted

6.—(1) Subsection 126 (1) of the said Act is repealed and the following substituted therefor:

Executions against lands

(1) Where the sum remaining unsatisfied on a judgment amounts to \$40 or more, the judgment creditor is entitled to an execution against the land of the judgment debtor, and the clerk, at the request of the judgment creditor or his agent, shall issue an execution against the land of the judgment debtor directed to the sheriff of a county.

s. 126 (2), amended

(2) Subsection 126 (2) of the said Act is amended by inserting after “effect” in the first line “and may be renewed in the same manner”.

s. 126 (6-8), repealed

(3) Subsections 126 (6), (7) and (8) of the said Act are repealed.

s. 126, amended

(4) Section 126 of the said Act is amended by adding thereto the following subsection:

Where execution satisfied

(11) Where an execution against lands has been filed with the sheriff and the judgment is fully satisfied, the judgment creditor or his agent shall cause the execution to be withdrawn promptly and shall be liable to the judgment debtor for any reasonably foreseeable loss resulting from failure to do so.

s. 151, amended

7. Section 151 of the said Act is amended by adding thereto the following subsections:

No interest

(8) Subject to subsection (9), a consolidation order does not bear interest.

(9) The judge may order that a consolidation order shall bear interest, from the date it is made or from another date, at the prime rate as defined in subsection 56 (1) and established under subsection 56 (2) for the month preceding the month in which the order begins to bear interest, or at a higher or lower rate.

Exception:
judge's
order

8. Section 157 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, is repealed and the following substituted therefor:

s. 157,
re-enacted

157. Notwithstanding subsection 156 (1), where a judgment is transferred under subsection 130 (3) and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order but only to the extent of the monetary jurisdiction of the court.

Addition of
Supreme and
county court
judgments to
consolidation
orders

9.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

10. The short title of this Act is the *Small Claims Courts Amendment Act, 1983*.

Short title

CHAPTER 23

An Act to amend the Estates Administration Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Estates Administration Act*, being chapter 143 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 19a,
enacted

19a.—(1) In this section, “foreign beneficiary” means a beneficiary who is resident in a country designated by regulation made under this section.

Interpre-
tation

(2) Where a foreign beneficiary is entitled under a will, an intestacy or an order under Part V of the *Succession Law Reform Act* to personal property from the estate of a person who was domiciled in Ontario at the time of his death,

No distri-
bution to
foreign
beneficiary
without order
R.S.O. 1980,
c. 488

(a) and where the property is in a form other than money and has a value of more than \$5,000, the personal representative of the deceased shall not distribute the property to the foreign beneficiary or his agent, solicitor or assignee until the foreign beneficiary has obtained an order under subsection (3);

(b) and where the property is in the form of money, the money shall be paid into the court having jurisdiction to make an order under subsection (3), to the credit of the foreign beneficiary.

(3) Where, upon application to the court having jurisdiction to grant letters probate or letters of administration in the estate of the deceased, the court is satisfied that,

Order
authorizing
distribution

(a) the foreign beneficiary is entitled to personal property from the estate; and

- (b) that the property will not be unduly depleted before it is received by the beneficiary,

the court may by order authorize the distribution of the personal property by a personal representative to the foreign beneficiary and payment out of court to the foreign beneficiary of money paid into court to the credit of the foreign beneficiary.

Release of
property to
other person
entitled

(4) Where, upon an application under subsection (3), the court is satisfied that a person other than a person resident in a country designated by regulation under this section is entitled to the personal property, the court may by order direct its distribution to the person entitled.

Property
of foreign
beneficiary
held for
his benefit

(5) Where, upon an application under subsection (3), the court is satisfied that a foreign beneficiary is entitled to personal property from the estate but declines to make the order for the reason that the property will be unduly depleted before it is received by the foreign beneficiary, the property, if money, shall be held in court for the benefit of the beneficiary and, if personal property other than money, shall be held by the personal representative in trust for the benefit of the foreign beneficiary and the money shall not be paid out or property distributed except under an order under subsection (3) or (4).

Report of
agent or
assignee

(6) Every person who receives property in respect of which an order has been made under subsection (3) as agent or solicitor for, or assignee of, a foreign beneficiary shall, within two months after receiving the property, file a report with the Surrogate Clerk for Ontario in such form and containing such information respecting the property as is prescribed by the regulations made under this section.

Report of
personal
representative

(7) Every personal representative who transfers property directly to a foreign beneficiary shall make and file the report provided for in subsection (6) within two months after the transfer is made.

Penalty

(8) Every person who contravenes subsection (2), (6) or (7) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(9) Every person who knowingly furnishes false information in a report filed under subsection (6) or (7) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Regulations

(10) The Lieutenant Governor in Council may make regulations,

- (a) designating countries for the purposes of subsection (1);
- (b) prescribing the information that shall be contained in reports under subsections (6) and (7) and prescribing their form.

(2) Subsection (1) does not apply in respect of the estates of deceased persons who died before this section comes into force.

Application
of Act

2. Section 25 of the said Act is amended by striking out “such” in the first line and by inserting after “made” in the second line “on an intestacy”.

s. 25,
amended

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Estates Administration Amendment Act, 1983*.

Short title

CHAPTER 24

**An Act to amend the
Landlord and Tenant Act**

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 107 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

s. 107,
amended

(7) A judge hearing an application under section 113 brought by a landlord under subsection (4) shall not direct the issue of a writ of possession where,

Where writ
to be refused

- (a) the notice of termination was given under clause (1) (b); and
- (b) the landlord's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the landlord to reside in the residential premises,

unless,

- (c) the application is brought in respect of premises situate in a building containing not more than six dwelling units; or
- (d) the landlord, his spouse or a child or parent of his or his spouse has previously been a *bona fide* occupant of the premises.

2. Section 110 of the said Act is amended by adding thereto the following subsection:

s. 110,
amended

(4) A judge hearing an application under section 113 brought by a landlord under subsection (1) shall not direct the issue of a writ of possession under clause (3) (a) where the landlord's claim is based on a tenancy agreement or occupancy

Where writ
to be refused

agreement that purports to entitle the landlord to reside in the residential premises, unless,

- (a) the application is brought in respect of premises situate in a building containing not more than six dwelling units; or
- (b) the landlord, his spouse or a child or parent of his or his spouse has previously been a *bona fide* occupant of the premises.

Application

3. Sections 1 and 2 apply to a hearing commenced on or after the day this Act comes into force, whether the notice of termination giving rise to the application was served before, on or after that day.

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Landlord and Tenant Amendment Act, 1983*.

CHAPTER 25

An Act to amend the Tobacco Tax Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 2 (1) (a) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1982, chapter 17, section 1, is amended by striking out “40” in the first line and inserting in lieu thereof “45”. s. 2 (1) (a),
amended

(2) Clause 2 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 17, section 1, is amended by striking out “40” in the first line and inserting in lieu thereof “45”. s. 2 (1) (b),
amended

2.—(1) Clause 28 (1) (i) of the said Act is amended by adding at the end thereof “or a formula for computing that rate, and the method of calculating that interest”. s. 28 (1) (i),
amended

(2) Clause 28 (1) (n) of the said Act is amended by adding at the end thereof “or the regulations”. s. 28 (1) (n),
amended

3. This Act shall be deemed to have come into force on the 11th day of May, 1983. Commencement

4. The short title of this Act is the *Tobacco Tax Amendment Act, 1983*. Short title

CHAPTER 26

An Act to amend the Small Business Development Corporations Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 (5) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 35, section 3, is repealed. s. 7 (5),
repealed

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

(2a) Subject to subsection (3), while any amount is held in trust under subsection (1), the Minister may permit payment from the fund to a shareholder of the small business development corporation, of an amount calculated in the prescribed manner, when equity shares of the small business development corporation are acquired by the small business development corporation by redemption, purchase or otherwise from such shareholder. Idem

3. Clause 9 (1) (eb) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 4, is amended by striking out “made by the small business development corporation” in the first and second lines and inserting in lieu thereof “made by all small business development corporations”. s. 9 (1) (eb),
amended

4.—(1) Subsection 12 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 5, is further amended by striking out “in a small business” in the second line and inserting in lieu thereof “in a security issued by a corporation which is or was at any time a small business”. s. 12 (1),
amended

(2) Clause 12 (1) (a) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 5, is further amended by striking out “small business” in the first line and inserting in lieu thereof “corporation”. s. 12 (1) (a),
amended

s. 12 (1) (a)
(ii),
amended

(3) Subclause 12 (1) (a) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 35, section 5, is amended by striking out “small business” in the third and fourth lines and inserting in lieu thereof “corporation”.

s. 12 (1) (b),
re-enacted

(4) Clause 12 (1) (b) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 5, is repealed and the following substituted therefor:

- (b) the small business development corporation, together with its shareholders and any associates and affiliated corporations, and any associates and affiliated corporations of its shareholders, would hold more than 49 per cent of the issued and outstanding equity shares of such corporation; or

s. 12 (1) (c),
amended

(5) Clause 12 (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 5, is amended by striking out “small business” in the first line, in the second line and in the third line and inserting in lieu thereof in each instance “corporation”.

s. 12 (1) (d),
re-enacted

(6) Clause 12 (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 5, is repealed and the following substituted therefor:

- (d) the aggregate of eligible investments made by two or more small business development corporations in such corporation will exceed 60 per cent of the issued and outstanding equity shares of the corporation.

s. 13 (3),
amended

5.—(1) Subsection 13 (3) of the said Act is amended by inserting after “Act” in the fourth line “except subsection 12 (1)”.

s. 13 (4),
re-enacted

(2) Subsection 13 (4) of the said Act is repealed and the following substituted therefor:

Where
prescribed
number of
employees
exceeded

(4) Notwithstanding subsection (3), where a material change occurs by reason only of a small business exceeding the prescribed number of employees, no material change shall be deemed to have occurred until the small business and any affiliated corporations have more than the prescribed number of maximum permitted employees, determined in the prescribed manner.

6. Subsection 21 (5) of the said Act is amended by inserting at the commencement thereof “Notwithstanding anything in this section”.

s. 21 (5),
amended

7.—(1) Subsection 34 (1) of the said Act is amended by adding thereto the following clause:

s. 34 (1),
amended

(ja) prescribing any rate of interest that is to be prescribed and the method by which it is to be calculated.

(2) Clause 34 (2) (c) of the said Act is amended by inserting after “Act” in the second line “or the regulations”.

s. 34 (2) (c),
amended

8. This Act shall be deemed to have come into force on the 11th day of May, 1983.

Commence-
ment

9. The short title of this Act is the *Small Business Development Corporations Amendment Act, 1983*.

Short title

CHAPTER 27

An Act to amend the Retail Sales Tax Act

Assented to May 26th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clause:

s. 1, par. 4, amended

(f) the tax payable by the purchaser under subsection 2 (1) of the *Tobacco Tax Act*,

R.S.O. 1980, c. 502

(2) Paragraph 14 of the said section 1 is repealed.

s. 1, par. 14, repealed

2.—(1) Subsection 2 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 2, is repealed and the following substituted therefor:

s. 2 (2), re-enacted

(2) Every purchaser of liquor, beer or wine shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of,

of liquor, beer, wine

(a) 10 per cent of the fair value thereof where the liquor, beer or wine is sold under the authority of a licence issued by the Liquor Licence Board under section 4 of the *Liquor Licence Act*; or

R.S.O. 1980, c. 244

(b) 12 per cent of the fair value thereof where the liquor, beer or wine is sold by or under the authority of the Liquor Control Board of Ontario under the *Liquor Control Act*.

R.S.O. 1980, c. 243

(2) Subsection 2 (4) of the said Act is amended by striking out “\$3.50” in the fourth line and inserting in lieu thereof “\$4.00”.

s. 2 (4), amended

s. 2 (5),
amended

(3) Subsection 2 (5) of the said Act is amended by adding at the end thereof “or at the time of the payment of a price of admission, or the promotional distribution of an admission”.

s. 2 (9),
amended

(4) Subsection 2 (9) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 1, is further amended by inserting after “Act” in the seventh line “but only one application may be made with respect to any amount paid as tax under this Act”.

s. 3,
amended

3. Section 3 of the said Act is amended by adding thereto the following subsection:

Change in
name or
nature of
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name or nature of his business he shall notify the Minister of the change forthwith and the Minister may issue a new permit, and, where the Minister issues a new permit, the vendor shall return his original permit to the Minister forthwith for cancellation.

s. 5 (1),
par. 2(c),
amended

4.—(1) Clause (c) of paragraph 2 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by striking out “or where a rebate of the tax paid on those repairs or repair parts is provided under this Act or the regulations” in the fourth, fifth, sixth and seventh lines.

s. 5 (1),
par. 14,
re-enacted

(2) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is repealed and the following substituted therefor:

R.S.O. 1980,
c. 198

14. vehicles that are required to be licensed under the *Highway Traffic Act* and the energy to operate which is either,

(a) exclusively electrical energy or energy derived from the internal combustion of ethanol, methanol, natural gas or manufactured gas, or

(b) energy described in clause (a), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*,

1981, c. 59;
R.S.O. 1980,
c. 186

but not any vehicle the energy to operate which is a mix of a form of energy described in clause (a) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*.

(3) Paragraph 14a of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1981, chapter 38, section 2, is amended by adding at the end thereof “including the labour provided to install that conversion kit”.

s. 5 (1),
par. 14a,
amended

(4) Paragraph 20 of the said subsection 5 (1) is amended by striking out “as defined by the Minister”.

s. 5 (1),
par. 20,
amended

(5) Paragraph 27 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and repair parts for such vehicles”.

s. 5 (1),
par. 27,
amended

(6) Paragraph 36 of the said subsection 5 (1) is amended by adding at the end thereof “and repair parts for such appliances or equipment”.

s. 5 (1),
par. 36,
amended

(7) Paragraph 37 of the said subsection 5 (1) is amended by adding at the end thereof “and repair parts therefor”.

s. 5 (1),
par. 37,
amended

(8) Paragraph 38 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and accessories specifically designed for such equipment and repair parts for such equipment”.

s. 5 (1),
par. 38,
amended

(9) Paragraph 39 of the said subsection 5 (1) is amended by adding at the end thereof “and accessories specifically designed for hearing aids and repair parts for hearing aids”.

s. 5 (1),
par. 39,
amended

(10) Paragraph 40 of the said subsection 5 (1) is amended by adding at the end thereof “and repair parts therefor”.

s. 5 (1),
par. 40,
amended

(11) Paragraph 41 of the said subsection 5 (1) is amended by adding at the end thereof “and repair parts for such appliances”.

s. 5 (1),
par. 41,
amended

(12) Paragraph 43 of the said subsection 5 (1) is amended,

s. 5 (1),
par. 43,
amended

(a) by striking out “dies, jigs, product-holding fixtures, moulds and patterns for any of them, tools attached to production machinery, and” in the first, second and third lines; and

(b) by striking out “all” in the third line and inserting in lieu thereof “both”.

(13) Paragraph 44 of the said subsection 5 (1) is repealed.

s. 5 (1),
par. 44,
repealed

s. 5 (1),
par. 45,
re-enacted

(14) Paragraph 45 of the said subsection 5 (1), as amended by the Statutes of Ontario, 1982, chapter 36, section 3, is repealed and the following substituted therefor:

45. machinery, equipment or processing materials purchased for the use of a manufacturer, or for the use of a producer, to be used directly in the manufacture or production of tangible personal property or directly in, and exclusively for, the research or development by such manufacturer or producer of either,

(a) goods for his own manufacture or production or for the manufacture or production of others, or

(b) manufacturing or production processes for his use or the use of others,

R.S.C. 1970,
c. E-13

if such machinery, equipment or processing materials are described in Part XIII of Schedule III to the *Excise Tax Act* (Canada), but the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the Minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

s. 5 (1),
par. 46,
amended

(15) Paragraph 46 of the said subsection 5 (1) is amended by striking out “or use” in the fourth line.

s. 5 (1),
amended

(16) The said subsection 5 (1), as amended by the Statutes of Ontario, 1981, chapter 38, section 2 and 1982, chapter 36, section 3, is further amended by adding thereto the following paragraph:

51. publications, as defined by the Minister, purchased by a school, school board or university or by a public library administered under the *Public Libraries Act*.

R.S.O. 1980,
c. 414

s. 5 (1),
par. 59,
amended

(17) Paragraph 59 of the said subsection 5 (1) is amended by striking out “as defined by the Minister” in the first line.

s. 5 (1),
amended

(18) The said subsection 5 (1), as amended by the Statutes of Ontario, 1981, chapter 38, section 2 and 1982, chapter 36, section 3, is further amended by adding thereto the following paragraph:

61a. Maple Leaf Gold Coins struck by the Royal Canadian Mint and such other gold coins as are prescribed by regulation.

(19) Paragraph 64 of the said subsection 5 (1) is repealed.

s. 5 (1),
par. 64,
repealed

(20) Paragraph 70 of the said subsection 5 (1) is repealed and the following substituted therefor:

s. 5 (1),
par. 70,
re-enacted

70. highway truck tractors having a gross vehicle mass rating, as defined by the Minister, of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, but the exemption conferred by this paragraph does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the Minister to be excluded from this paragraph or used in any manner, process, industry, enterprise or by any person or class of persons prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

(21) The said subsection 5 (1), as amended by the Statutes of Ontario, 1981, chapter 38, section 2 and 1982, chapter 36, section 3, is further amended by adding thereto the following paragraphs:

s. 5 (1),
amended

76. furniture, as defined by the Minister, including curtains, drapes and blinds, as defined by the Minister, and floor coverings, as defined by the Minister, that are purchased before the 9th day of August, 1983 for private residential use, if delivery thereof is taken by the purchaser on or after the 11th day of May, 1983, and before the 8th day of November, 1983, but only when such furniture, curtains, drapes, blinds and floor coverings have never previously been sold, leased or rented by a dealer to a customer at a retail sale anywhere;

77. major home appliances that are manufactured for private household use and that are,

(a) refrigerators, freezers, dishwashers or kitchen ranges, including ovens and cooking tops sold separately for installation as a kitchen range, or

(b) washers or dryers for the laundering of clothes,

but only when such appliances have never previously been sold, leased or rented by a dealer to a customer at a retail sale anywhere and are,

(c) delivered to the purchaser thereof on or after the 11th day of May, 1983, and before the 9th day of August, 1983, and

(d) not appliances of a class or kind of appliance prescribed by the Minister to be excluded from the exemption conferred by this paragraph.

s. 11,
amended

5. Section 11 of the said Act is amended by striking out “\$25 and no more than \$1,000” in the eighth line and inserting in lieu thereof “\$50 and no more than \$2,000”.

s. 13 (2),
repealed

6. Subsection 13 (2) of the said Act is repealed.

s. 16a,
enacted

7. The said Act is amended by adding thereto the following section:

Penalty
assessment

16a.—(1) The Minister may assess any penalty payable by a vendor under subsection 30 (1) or (2) or any tax owing by a person dealing with a non-resident contractor who fails to comply with subsection 37 (4).

Notice of
assessment
under subs.
(1)

(2) Where the Minister has made an assessment under subsection (1), he shall serve a notice of assessment on the vendor or the person dealing with the non-resident contractor by pre-paid mail to his last known address or by personal service, requiring that the amount of the assessment made under subsection (1) be remitted to the Treasurer or otherwise accounted for.

Assessment
valid and
binding

(3) An assessment made under this section shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Payment

(4) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, remit to the Treasurer the amount assessed.

s. 17 (5),
amended

8. Subsection 17 (5) of the said Act is amended,

(a) by striking out “when assessed therefor, pay a penalty” in the seventh and eighth lines and inserting in lieu thereof “pay a penalty when assessed therefor”;

- (b) by striking out “\$25” in subclause 17 (5) (a) (i) and inserting in lieu thereof “\$50”;
- (c) by striking out “unpaid” in the first line of subclause 17 (5) (a) (ii); and
- (d) by striking out “\$500” in clause 17 (5) (b) and inserting in lieu thereof “\$2,000”.

9.—(1) Subsection 18 (2) of the said Act is amended by striking out “and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof” in the seventh, eighth, ninth and tenth lines. s. 18 (2),
amended

(2) Section 18 of the said Act is amended by adding thereto the following subsections: s. 18,
amended

(3) Where, in the opinion of the Minister, a vendor or purchaser may attempt to avoid payment of a penalty that the Minister has assessed under subsection 17 (3), (3a), (4), (5) or (5a), the Minister may, notwithstanding subsection 17 (8), serve the notice of assessment on the vendor or purchaser, as the case may be, and the Minister may direct that all taxes as set out therein shall be paid forthwith. Idem

(4) Where, in the opinion of the Minister, a vendor or a person dealing with a non-resident contractor may attempt to avoid payment of a penalty that the Minister has assessed under subsection 16a (1), he may, notwithstanding subsection 16a (4), serve the notice of assessment on the vendor, or person dealing with a non-resident contractor, as the case may be, and direct that all taxes as set out therein shall be paid forthwith. Idem

(5) Where a person on whom a notice of assessment is to be served under this Act is a partnership or corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof. Service on
partnership
or
corporation

10.—(1) Clause 30 (1) (a) of the said Act is amended by striking out “5 per cent” in the first line and inserting in lieu thereof “10 per cent”. s. 30 (1) (a),
amended

(2) Clause 30 (1) (b) of the said Act is amended by striking out “\$500” in the first line and inserting in lieu thereof “\$1,000”. s. 30 (1) (b),
amended

s. 30 (2),
amended

(3) Subsection 30 (2) of the said Act is amended by striking out “\$20 or more than \$100” in the fifth and sixth lines and inserting in lieu thereof “\$50 or more than \$200”.

s. 30 (3),
amended

(4) Subsection 30 (3) of the said Act is amended by striking out “\$25” in the twenty-third line and inserting in lieu thereof “\$100”.

s. 30 (4, 5),
repealed

(5) Subsections 30 (4) and (5) of the said Act are repealed.

s. 32 (1),
amended

11.—(1) Subsection 32 (1) of the said Act is amended by inserting after “(5)” in the seventh line “subsection 16a (2) or section 17”.

s. 32 (2),
amended

(2) Subsection 32 (2) of the said Act is amended by inserting after “(5)” in the second line “subsection 16a (2) or section 17”.

s. 34,
amended

12. Section 34 of the said Act is amended by adding thereto the following subsections:

Idem

(1a) Without limiting the generality of subsection (1), where the Minister has knowledge or suspects that a bank, credit union, trust company or other similar person, in this section referred to as “the institution”, is about to advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution and who has given security to the institution in respect of the indebtedness, he may, by registered letter or by letter served personally, require the institution to pay to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act the moneys that would otherwise be so advanced or paid, and the requirement shall apply to all moneys that would otherwise be so advanced or paid in the ninety days following the receipt of the registered letter or letter served personally.

.

Idem

(3a) Every institution that fails to comply with a requirement under subsection (1a) is liable to pay to Her Majesty in right of Ontario an amount equal to the lesser of,

(a) the aggregate of the moneys advanced or paid; and

(b) the amount that it was required under subsection (1a) to pay to the Treasurer.

s. 35 (1),
amended

13. Subsection 35 (1) of the said Act is amended by inserting after “Act” in the second line “or upon default of the pay-

ment of tax by a person dealing with a non-resident contractor who fails to comply with subsection 37 (4)’’.

14.—(1) Subsection 39 (1) of the said Act is amended, s. 39 (1),
amended

- (a) by striking out “or registered consumer” in the first line; and
- (b) by striking out “\$25” in the fourth line and inserting in lieu thereof “\$50”.

(2) Subsection 39 (2) of the said Act is amended by striking out “\$25” in the second line and inserting in lieu thereof “\$50”. s. 39 (2),
amended

15.—(1) Subsection 41 (1) of the said Act is repealed and the following substituted therefor: s. 41 (1),
re-enacted

(1) Subject to subsection (2), any person who contravenes any provision of this Act or the regulations is guilty of an offence and, upon conviction, is liable, where no other penalty is provided for the offence, to a fine of not less than \$50 and not more than \$2,000. General
penalty

(2) Subsection 41 (2) of the said Act is amended by striking out “\$10 and not more than \$1,000” in the fourth and fifth lines and inserting in lieu thereof “\$50 and not more than \$2,000”. s. 41 (2),
amended

16.—(1) Clause 45 (2) (b) of the said Act is amended by adding at the end thereof “or the regulations”. s. 45 (2) (b),
amended

(2) Clause 45 (2) (g) of the said Act is repealed and the following substituted therefor: s. 45 (2) (g),
re-enacted

- (g) prescribing the rate of interest payable under this Act or the regulations, or a formula for computing that rate, and the method of calculating that interest.

(3) Subsection 45 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 4, is further amended by adding thereto the following clauses: s. 45 (2),
amended

- (j) prescribing gold coins to which the exemption contained in paragraph 61a of subsection 5 (1) applies;
- (k) prescribing circumstances or situations in which the purchaser of an admission to an entertainment, event, dance, performance or exhibition is excluded from the exemption from tax on the price of admission contained in subsection 7 (2).

s. 45 (3) (g),
re-enacted

(4) Clause 45 (3) (g) of the said Act is repealed and the following substituted therefor:

- (g) prescribing information to be contained in an application for a vendor’s permit to be issued under section 3 and attaching additional conditions to the use of any such permit.

s. 45 (3) (i),
amended

(5) Clause 45 (3) (i) of the said Act is amended by striking out “after the 22nd day of April, 1980” in the second and third lines.

s. 45 (3) (j),
re-enacted

(6) Clause 45 (3) (j) of the said Act is repealed and the following substituted therefor:

- (j) providing for the rebate of the tax paid on the purchase of a motor vehicle that is, within thirty days of the date of sale, adapted or converted to permit it to operate in a manner described in clause (a) or (b) of paragraph 14 of subsection 5 (1), and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.

Commence-
ment

17.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 9, 11, 13 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsections 2 (2), (3) and (4), and sections 3, 4, 6, 7, 9, 11, 13 and 16 shall be deemed to have come into force on the 11th day of May, 1983.

Idem

(3) Subsection 2 (1) comes into force on the 24th day of May, 1983.

Short title

18. The short title of this Act is the *Retail Sales Tax Amendment Act, 1983*.

CHAPTER 28

An Act to authorize the
Raising of Money on the Credit
of the Consolidated Revenue Fund

Assented to June 6th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$3,700,000,000.

Loans up to
\$3,700,000,000

R.S.O. 1980,
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

R.S.O. 1980,
cc. 494, 348

2. No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1984.

Limitation

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Ontario Loan Act*, 1983.

Short title

CHAPTER 29

An Act to amend the Corporations Tax Act*Assented to June 6th, 1983*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, is further amended by adding thereto the following clause: s. 1 (1),
amended

(aa) the interpretations contained in the following provisions of the *Income Tax Act* (Canada) are applicable for the purposes of this Act: R.S.C. 1952,
c. 148

(i) subsections 125 (6) and (9).

(2) Clause 1 (1) (b) of the said Act is amended by adding thereto the following subclause: s. 1 (1) (b),
amended

(ix) notwithstanding subclause (iii), in the application of the interpretation of “fiscal period” contained in subsection 248 (1) of the *Income Tax Act* (Canada), the reference therein to “Minister” shall be deemed for the purposes of this Act to be a reference to the Minister of National Revenue for Canada.

(3) Subclause 1 (2) (d) (iv) of the said Act is repealed and the following substituted therefor: s. 1 (2) (d)
(iv), re-
enacted

(iv) where subclause (i) applies, the section (except sections 12, 20, 56, 60 and 69, paragraph 95 (1) (f) and sections 138 and 248 of that Act) shall be read as if the reference to the other provision were deleted.

2.—(1) Subsection 12 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 19, section 1, is amended by striking out “5/14ths” in the ninth line and inserting in lieu thereof “5/15ths”. s. 12 (6),
amended

s. 12 (6a),
amended

(2) Subsection 12 (6a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 19, section 1, is amended by striking out “5/14ths” in the sixth line and inserting in lieu thereof “5/15ths”.

s. 12 (10),
amended

(3) Subsection 12 (10) of the said Act is amended by adding thereto the following paragraph:

Application
of par. 1 to
controlled
corporation

3. Where a corporation is prescribed pursuant to paragraph 1, paragraph 1 shall apply to any corporation controlled by such corporation.

s. 13,
amended

3.—(1) Section 13 of the said Act is amended by adding thereto the following subsections:

Idem
R.S.C. 1952,
c. 148

(1a) Clauses 40 (1) (a) (iii) (B) and 44 (1) (e) (iii) (B) of the *Income Tax Act* (Canada) are not applicable for the purposes of this Act.

Idem

(1b) In the application of subparagraph 39 (1) (a) (ii) of the *Income Tax Act* (Canada) for the purposes of this Act, the reference therein to paragraphs 59 (2) (b) and (e) is not applicable.

s. 13 (3),
re-enacted

(2) Subsection 13 (3) of the said Act is repealed and the following substituted therefor:

Idem

(3) In the application of subparagraph 40 (2) (a) (i) and paragraph 44 (7) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, the said provisions shall be read as though the words “was not resident” were deleted and the words “ceased to have a permanent establishment” were inserted in lieu thereof.

s. 14 (3),
amended

4. Subsection 14 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by adding thereto the following clause:

(c) paragraphs (3.3) (c), (d) and (e) of the said section shall be deemed to have come into force on the 12th day of December, 1979, and apply in respect of all taxation years ending after the 11th day of December, 1979.

s. 16 (1),
re-enacted;
s. 16 (1a),
(1b), enacted

5.—(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 5, is repealed and the following substituted therefor:

(1) Where, by virtue of paragraph 59 (3.2) (c) of the *Income Tax Act* (Canada) as made applicable by section 14 of this Act, an amount has been included in computing a corporation's income for a taxation year (in this subsection referred to as the "initial year") and an amount has by virtue of the disposition of a property to which subsection 59 (1.1) or (3.1) of the said Act applies been included, by virtue of clause 66.2 (5) (b) (v) (A) of the said Act as made applicable by section 18a of this Act, in computing the cumulative Canadian development expense of the corporation at any time in the initial year and all or a portion of the amount so included in computing the corporation's cumulative Canadian development expense is not due until after the end of a taxation year, there may be deducted as a reserve in computing the income of the corporation for that taxation year in respect of the portion of the amount that is not due until after the end of that taxation year,

Reserves in respect of consideration for disposition of resource property not due until subsequent year
R.S.C. 1952, c. 148

(a) where the taxation year is the initial year, the lesser of,

- (i) the amount included in computing the corporation's income for the taxation year by virtue of paragraph 59 (3.2) (c) of the said Act as made applicable by section 14 of this Act, and
- (ii) the part of the portion of the amount in respect of a disposition of the property that is not due until a day that is after the end of the taxation year; or

(b) in any other case, the lesser of,

- (i) the amount deducted under this clause or clause (a) in respect of the property in computing the corporation's income for the immediately preceding taxation year, and
- (ii) the part of the portion of the amount in respect of the property that is not due until a day that is after the end of its taxation year,

and for greater certainty, no deduction may be made in respect of any amount or portion of any amount referred to in clause (a) or (b) by virtue of paragraph 20 (1) (n) of the said Act as made applicable by section 12 of this Act.

(1a) Where, by virtue of paragraph 59 (3.2) (c) of the *Income Tax Act* (Canada) as made applicable by section 14 of this Act, an amount has been included in computing a corporation's income for a taxation year (in this subsection referred to

Idem

as the “initial year”) and an amount in respect of the disposition of a property to which subsection 59 (1.2) of the said Act applies has been included, by virtue of clause 66.4 (5) (b) (v) (A) of the said Act as made applicable by section 18a of this Act, in computing the cumulative Canadian oil and gas property expense of the corporation at any time in the initial year and all or a portion of the amount so included in computing the corporation’s cumulative Canadian oil and gas property expense is not due until after the end of a taxation year, there may be deducted as a reserve in computing the income of the corporation for that taxation year in respect of the portion of the amount that is not due until after the end of that taxation year,

- (a) where the taxation year is the initial year, the least of,
 - (i) the amount, if any, by which the amount included in computing the corporation’s income for the taxation year by virtue of paragraph 59 (3.2) (c) of the said Act as made applicable by section 14 of this Act exceeds the amount deducted under clause (1) (a) in computing its income for the year,
 - (ii) the amount determined under subsection 66.4 (1) of the said Act as made applicable by section 18a of this Act in respect of the corporation for the year, and
 - (iii) the part of the portion of the amount in respect of a disposition of the property that is not due until a day that is after the end of the year; or
- (b) in any other case, the lesser of,
 - (i) the amount deducted under this subsection in respect of the property in computing the corporation’s income for the immediately preceding taxation year, and
 - (ii) the part of the portion of the amount in respect of the property that is not due until a day that is after the end of the taxation year,

and for greater certainty, paragraph 20 (1) (n) of the said Act as made applicable by section 12 of this Act does not apply with respect to any amount deductible under this subsection.

(1b) For the purposes of this Act, a reference in this Act or in the *Income Tax Act* (Canada) to section 64 of the *Income Tax Act* (Canada) shall be deemed to be a reference to subsections 16 (1) and (1a) of this Act.

Application
R.S.C. 1952,
c. 148

(2) Subsection 16 (2) of the said Act is amended by striking out “Subsection (1) does not apply” in the first line and inserting in lieu thereof “Subsections (1) and (1a) do not apply”.

s. 16 (2),
amended

6. Section 17 of the said Act is amended by adding thereto the following subsection:

s. 17,
amended

(3a) For the purpose of subsection (3), where an agreement has been made pursuant to subsection 65 (3) of the *Income Tax Act* (Canada), the ratio of the apportionment of the allowance that has been determined thereunder shall be deemed to apply for the purposes of this Act.

Idem

7.—(1) Subsection 18 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is repealed and the following substituted therefor:

s. 18 (7),
re-enacted

(7) Subsections 66 (11), (11.1), (11.2) and (11.3) of the *Income Tax Act* (Canada), except paragraph 66 (11) (e), are applicable for the purposes of this Act.

Control
change

(2) Clause 18 (14) (h) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is repealed and the following substituted therefor:

s. 18 (14) (h),
re-enacted

(h) “outlay” or “expense” have the meaning given to those expressions by paragraphs 66 (15) (g.2) and (g.3) of the *Income Tax Act* (Canada).

8. Clause 22 (b) of the said Act is repealed and the following substituted therefor:

s. 22 (b),
re-enacted

(b) an amount determined in accordance with the rules provided in paragraphs 81 (1) (b), (c), (l), (m), (r) and (s) of the *Income Tax Act* (Canada) and subsection 81 (1.1) of that Act.

other
amounts

9. Subsection 25 (3) of the said Act is repealed and the following substituted therefor:

s. 25 (3),
re-enacted

(3) In the application of paragraph 96 (1) (d) of the *Income Tax Act* (Canada), for the purposes of this Act, the references therein to,

Application
of R.S.C.
1952,
c. 148,
s. 96 (1) (d)

R.S.C. 1952,
c. 148

- (a) subsection 66 (12.1) and paragraphs 66 (12.2) (a), 66 (12.3) (a) and 66 (12.5) (a) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by subsections 18 (11) and (12) of this Act;
- (b) subsection 65 (1) of the *Income Tax Act* (Canada) shall be deemed to be a reference to subsection 17 (1) of this Act; and
- (c) sections 66, 66.1, 66.2 and 66.4 of the *Income Tax Act* (Canada) shall be deemed to be references to sections 18 and 18a of this Act.

s. 27 (2),
re-enacted

10. Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Receipts;
application of
R.S.C. 1952,
c. 148, s. 110

(2) In the application of paragraphs 110 (1) (a), (b) and (b.1) of the *Income Tax Act* (Canada) and subsection 110 (2.2) of that Act for the purposes of this Act, the reference therein to "receipts" shall be deemed to mean receipts or photostatic reproductions thereof.

s. 30,
amended

11. Section 30 of the said Act is amended by striking out "14 per cent" in the fourth line and inserting in lieu thereof "15 per cent".

s. 31,
amended

12. Section 31 of the said Act is amended by striking out "14 per cent" in the third line and inserting in lieu thereof "15 per cent".

s. 32 (1) (e),
amended

13. Clause 32 (1) (e) of the said Act is amended by striking out "14 per cent" in the first line and inserting in lieu thereof "15 per cent".

s. 33 (1) (a),
amended

14.—(1) Clause 33 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 19, section 2, is amended by striking out "4 per cent" in the first line and inserting in lieu thereof "5 per cent".

s. 33 (1) (b),
amended

(2) Clause 33 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 19, section 2, is amended by striking out "14 per cent" in the first line and inserting in lieu thereof "15 per cent".

s. 33 (2a),
re-enacted

(3) Subsection 33 (2a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 19, section 2, is repealed and the following substituted therefor:

(2a) For the purpose of clause (1) (b), a “tax exempt year” of a corporation is a taxation year ending after the 13th day of May, 1982 and before the 14th day of May, 1985, but in no case shall a corporation be entitled to have more than three tax exempt years.

Definition,
tax exempt
year

(4) Subsection 33 (2b) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 19, section 2, is amended by adding at the end thereof “and for greater certainty “property” includes a business carried on by the vendor”.

s. 33 (2b),
amended

15.—(1) Subsection 40 (2) of the said Act is amended by striking out “7 per cent” in the third line and inserting in lieu thereof “7.5 per cent”.

s. 40 (2),
amended

(2) Subsection 40 (4) of the said Act is amended by striking out “14 $\frac{2}{7}$ times” in the third and fourth lines and inserting in lieu thereof “13 $\frac{1}{3}$ times”.

s. 40 (4),
amended

(3) Subsections 40 (5) and (6) of the said Act are repealed and the following substituted therefor:

s. 40 (5,6),
re-enacted

(5) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act,

Application
of
R.S.C. 1952,
c. 148,
s. 131 (6)
(d) (i)

(a) the percentage referred to in clauses (A) and (B) of the said subparagraph shall be read as “15 per cent”; and

(b) the reference in clause (C) of the said subparagraph to “this Part” shall be read as a reference to Part II of this Act, and the said subparagraph shall be read without reference to the words “where the taxation year ended after May 6, 1974”.

(6) Where a corporation had a permanent establishment in a jurisdiction outside Ontario during a taxation year in respect of which this section applies, the “taxable income” and “taxed capital gains” determined for the purpose of paragraph 131 (6) (d) of the *Income Tax Act* (Canada) as made applicable by subsection (5) shall be reduced by that proportion thereof that the taxable income of the corporation that is deemed to have been earned in jurisdictions other than Ontario for the taxation year for the purposes of section 31 is of its total taxable income.

Apportionment
of capital
gains refund

16. Subsection 49 (4) of the said Act is repealed and the following substituted therefor:

s. 49 (4),
re-enacted

Application
of rules
under R.S.C.
1952, c. 148

(4) The rules provided in subsections 149 (2), (3), (4), (6), (8), (9), (10) and (11) of the *Income Tax Act* (Canada) are applicable for the purposes of this section.

s. 53 (1) (c)
(iii),
re-enacted

17.—(1) Subclause 53 (1) (c) (iii) of the said Act is repealed and the following substituted therefor:

(iii) subsections 16 (1) and (1a).

s. 53 (1) (d),
amended

(2) Clause 53 (1) (d) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 10, is amended by inserting after “corporation” in the ninth line “and all sums advanced or loaned to the corporation by any government”.

s. 54 (1) (c),
amended

18.—(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, is further amended,

(a) by inserting after “corporations” in the sixth line “or to any government”;

(b) by repealing subclause (iv) and substituting the following therefor:

(iv) loans and advances to any corporation, whether or not incorporated in Canada, doing the business of a bank or to any corporation registered under the *Loan and Trust Corporations Act* or that would be required to be registered under that Act if it were carrying on business in Ontario are deemed not to be loans and advances to other corporations unless they are issued for a term of 120 days or more and have been held by the corporation for at least 120 days,

(c) by adding “and” at the end of subclause (v) and adding thereto the following subclause:

(vi) “shares and bonds of other corporations” and “loans and advances to other corporations” do not include the shares and bonds of or loans and advances to a corporation that is exempt from the tax imposed under this Part by virtue of subsection 63 (1).

R.S.O. 1980,
c. 249

s. 54,
amended

(2) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1982, chapter 19, section 4, is further amended by adding thereto the following subsection:

(2c) For the purpose of this Part, “any other surplus” includes, in addition to any other amount included therein by virtue of this section, the following amounts, Idem

- (a) the amount described in subsection 78 (1) of the *Income Tax Act* (Canada); R.S.C. 1952, c. 148
- (b) the amount described in subsection 78 (3) of the *Income Tax Act* (Canada) where the corporation and the person to whom the amount was owing were not dealing at arm’s length at the time that the outlay or expense was incurred; and
- (c) dividends declared,

where such amounts are unpaid at the end of any taxation year following the taxation year in which the outlay or expense was incurred or the dividend declared.

(3) Clause 54 (3) (b) of the said Act is repealed and the following substituted therefor: s. 54 (3) (b), re-enacted

- (b) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is not deductible, or if deductible has not been deducted in computing its income for the year or a previous year, under Part II,
-

(4) Clause 54 (3) (c) of the said Act is amended by inserting after “deductible” in the fourth line “and has been deducted in computing its income for the year or a previous year”. s. 54 (3) (c), amended

(5) Subclause 54 (3) (c) (iii) of the said Act is repealed and the following substituted therefor: s. 54 (3) (c) (iii), re-enacted

- (iii) subsections 16 (1) and (1a).

19.—(1) Subsection 61 (1) of the said Act is amended by adding “or” at the end of clause (b) and by adding thereto the following clause: s. 61 (1), amended

- (c) the lesser of,
- (i) the tax that would otherwise be payable under this Part if subsection 58 (1) and subsection 59 (1) were applicable, and

(ii) \$100,

with respect to a loss year of the corporation, as defined in subsections (5) and (6), where its taxable paid-up capital exceeds \$1,000,000 but does not exceed \$2,000,000.

s. 61 (2),
amended

(2) Subsection 61 (2) of the said Act is amended by inserting after “corporation” in the third line “other than a corporation to which clause (1) (c) applies”.

s. 61 (4) (a),
amended

(3) Clause 61 (4) (a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13, is amended by inserting after “\$1,000,000” in the fourth line “or \$2,000,000 with respect to a loss year of the corporation as defined in subsections (5) and (6)”.

s. 61 (4) (b),
amended

(4) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13, is amended by adding at the end thereof “or \$2,000,000 with respect to a loss year of the corporation as defined in subsections (5) and (6)”.

s. 61,
amended

(5) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, is further amended by adding thereto the following subsections:

Definition,
“loss year”

(5) For the purpose of clause (1) (c), a “loss year” of a corporation means a taxation year in which the corporation has no taxable income for the year or a loss for the year if it has no income for the year or has a loss for the year after making the deductions permitted by Part II other than the deductions under,

(a) clauses 12 (7) (a) and (d);

R.S.C. 1952,
c. 148

(b) paragraphs 20 (1) (b) and (gg) of the *Income Tax Act* (Canada) as made applicable by section 12;

(c) subsection 20 (16) of the *Income Tax Act* (Canada) as made applicable by section 12;

(d) section 17; and

(e) paragraphs 110 (1) (a), (b) and (b.1) of the *Income Tax Act* (Canada) and sections 111, 112 and 113 of that Act, as made applicable by section 27.

Interpre-
tation

(6) For the purpose of subsection (5), a “loss year” of a corporation is a taxation year ending after the 10th day of May,

1983, and before the 11th day of May, 1985, but in no case shall a corporation have more than two loss years.

20. Subsection 70 (8) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 19, section 5, is repealed and the following substituted therefor:

s. 70 (8),
re-enacted

(8) For the purpose of subsection (2), where the previous taxation year of a corporation does not end on the last day of a calendar month,

Interpre-
tation

- (a) any reference to the last day of a month shall be deemed, in respect of that corporation, to be a reference to the day of that month corresponding to the day on which,
 - (i) the previous taxation year ended for purpose of clause (2) (a), and
 - (ii) the taxation year ended for purpose of clause (2) (b),

except that where either the previous taxation year or the taxation year ends on the 29th, 30th or 31st day of a month, the said reference to the last day of a month shall, with respect to the month of February, be deemed to be a reference to the last day of that month; and

- (b) notwithstanding clause (a), twelve instalments are required where the taxation year of a corporation is more than 350 days and the last instalment shall be paid on or before the last day of the taxation year.

21.—(1) Section 72 of the said Act is amended by adding thereto the following subsection:

s. 72,
amended

(5a) Subsection (5) does not apply where a corporation fails to submit the information required by subsection 67 (2) on the return required by subsection 67 (1) if the tax payable by virtue of the reassessment is greater than the tax previously assessed.

Subs. (5)
not
applicable
in certain
case

(2) Subsection 72 (6) of the said Act is amended by striking out “the taxation year immediately following” in the fourth and fifth lines and inserting in lieu thereof “a taxation year following”.

s. 72 (6),
amended

22. Subsection 73 (8) of the said Act is amended by striking out “within one year” in the second line and inserting in lieu thereof “within three years” and by striking out “the taxation

s. 73 (8),
amended

year immediately following” in the seventh and eighth lines and inserting in lieu thereof “a taxation year following”.

s. 75,
amended

23.—(1) Section 75 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 19, section 6, is further amended by adding thereto the following subsection:

Idem

(1b) Where a corporation has paid instalments of tax in accordance with clause 70 (2) (a) in respect of a taxation year, the Minister may make a refund of such instalments prior to making his assessment under section 73 if application therefor has been made in writing by the corporation.

s. 75 (7),
amended

(2) Subsection 75 (7) of the said Act is amended by striking out “the taxation year immediately following” in the fourth and fifth lines and inserting in lieu thereof “a taxation year following”.

s. 100 (1) (f),
re-enacted

24. Clause 100 (1) (f) of the said Act is repealed and the following substituted therefor:

- (f) prescribing rates of interest for the purposes of Part V or a formula for computing those rates and the method of calculating that interest.

Commence-
ment and
application

25.—(1) Subsection 1 (1) shall be deemed to have come into force on the 13th day of November, 1981 and applies to corporations in respect of all taxation years commencing after the 12th day of November, 1981.

Idem

(2) Subsection 1 (2) shall come into force on the 1st day of July, 1983 and applies in respect of changes in fiscal periods approved by the Minister of National Revenue after the 30th day of June, 1983.

Idem
R.S.C. 1952,
c. 148;
R.S.O. 1980,
c. 97

(3) The reference to section 12 of the *Income Tax Act* (Canada) contained in subclause 1 (2) (d) (iv) of the *Corporations Tax Act*, as re-enacted by subsection 1 (3) of this Act, shall be deemed to have come into force on the 8th day of December, 1977 and applies to corporations in respect of all taxation years ending after the 7th day of December, 1977.

Idem

(4) The reference to section 69 of the *Income Tax Act* (Canada) as contained in subclause 1 (2) (d) (iv) of the *Corporations Tax Act*, as re-enacted by subsection 1 (3) of this Act, shall be deemed to have come into force on the 1st day of February, 1982 and applies to purchases made after the 31st day of January, 1982.

(5) Subsections 2 (1) and (2), sections 11, 12 and 13, subsections 14 (1), 14 (2), 15 (1) and 15 (2), and clause 40 (5) (a) of the said Act, as enacted by subsection 15 (3) of this Act, shall be deemed to have come into force on the 11th day of May, 1983 and apply to corporations in respect of all taxation years ending after the 10th day of May, 1983, except that with respect to the taxation year ending after the 10th day of May, 1983 and that includes that day, the following rules apply: Idem

- (a) determine the amount of tax payable under Part II of the said Act as that Part stood on the 10th day of May, 1983 on the assumption that that Part as it so stood was applicable to that taxation year;
- (b) determine the proportion of the amount determined under clause (a) that the number of days of that taxation year prior to the 11th day of May, 1983 bears to the total number of days of that taxation year;
- (c) determine the amount of tax payable under Part II of the said Act, as amended by subsections 2 (1) and (2), sections 11, 12 and 13, subsections 14 (1), 14 (2), 15 (1) and 15 (2), and clause 40 (5) (a) of the said Act, as enacted by subsection 15 (3) of this Act, on the assumption that that Part as so amended was applicable for that taxation year;
- (d) determine the proportion of the amount determined under clause (c) that the number of days of that taxation year that follow the 10th day of May, 1983 bears to the total number of days of that taxation year;
- (e) determine the aggregate of the amounts determined under clauses (b) and (d) in respect of the corporation,

and the aggregate determined under clause (e) is the amount payable by the corporation under Part II of the said Act, as amended by subsections 2 (1) and (2), sections 11, 12 and 13, subsections 14 (1), 14 (2), 15 (1) and 15 (2), and clause 40 (5) (a) of the said Act, as enacted by subsection 15 (3) of this Act, for its taxation year that ends after the 10th day of May, 1983 and that includes that day.

(6) Subsections 2 (3) and 23 (1) and section 24 shall come into force on the day this Act receives Royal Assent. Idem

(7) Subsection 13 (1a) of the said Act, as enacted by subsection 3 (1) of this Act, and section 5 shall be deemed to have come into force on the 13th day of November, 1981 and apply to dis- Idem

positions of property occurring after the 12th day of November, 1981.

Idem

(8) Subsection 13 (1b) of the said Act, as enacted by subsection 3 (1) of this Act, shall be deemed to have come into force on the 8th day of December, 1977 and applies to corporations in respect of all taxation years ending after the 7th day of December, 1977.

Idem

(9) Subsection 3 (2) shall be deemed to have come into force on the 12th day of December, 1979 and applies to dispositions of property occurring after the 11th day of December, 1979.

Idem

(10) Section 4 shall be deemed to have come into force on the 12th day of December, 1979 and applies to corporations in respect of all taxation years ending after the 11th day of December, 1979.

Idem

(11) Section 6, subsection 17 (2), clauses 18 (1) (a) and (c), subsections 18 (2), (3) and (4), section 19 and subsection 21 (1) shall be deemed to have come into force on the 11th day of May, 1983 and apply to corporations in respect of all taxation years ending after the 10th day of May, 1983.

Idem

(12) Subsections 7 (1), 17 (1) and 18 (5) shall be deemed to have come into force on the 13th day of November, 1981 and apply to corporations in respect of all taxation years ending after the 12th day of November, 1981.

Idem

(13) Subsection 7 (2) shall be deemed to have come into force on the 20th day of May, 1981 and applies to outlays and expenses made or incurred after the 19th day of May, 1981.

Idem

(14) Section 8 shall be deemed to have come into force on the 1st day of January, 1982 and applies to corporations in respect of all taxation years ending after 1981.

Idem

(15) Section 9 shall be deemed to have come into force on the 20th day of May, 1981 and applies to corporations in respect of all taxation years ending after the 19th day of May, 1981.

Idem

(16) Section 10 shall be deemed to have come into force on the 1st day of January, 1980 and applies to gifts made after 1979.

Idem

(17) Subsections 14 (3) and (4) shall be deemed to have come into force on the 14th day of May, 1982 and applies to corporations in respect of all taxation years ending after the 13th day of May, 1982.

(18) Subsection 15 (3), except clause 40 (5) (a) as enacted by ^{Idem} the said subsection, shall be deemed to have come into force on the 1st day of January, 1972 and applies to corporations in respect of all taxation years ending after 1971, except that for the purpose of computing a corporation's "refundable capital gains tax on hand" for the purposes of subsections 40 (5) and (6) of the said Act, the percentage referred to in clauses (A) and (B) of subparagraph 131 (6) (d) (i) of the *Income Tax Act* (Canada) shall, with respect to a taxation year,

- (a) that ends before the 8th day of March, 1978, be read as "12 per cent";
- (b) that ends after the 7th day of March, 1978, and before the 11th day of April, 1979, be read as "13 per cent", except that with respect to a taxation year that ends after the 7th day of March, 1978, and that includes that day, be read as "12 per cent plus that proportion of 1 per cent that the number of days of that taxation year after the 7th day of March, 1978, bears to the total number of days of that taxation year";
- (c) that ends after the 10th day of April, 1979, and before the 11th day of May, 1983, be read as "14 per cent", except that with respect to a taxation year that ends after the 10th day of April, 1979, and that includes that day, be read as "13 per cent plus that proportion of 1 per cent that the number of days of that taxation year after the 10th day of April, 1979, bears to the total number of days of that taxation year"; and
- (d) that ends after the 10th day of May, 1983, and that includes that day, be read as "14 per cent plus that proportion of 1 per cent that the number of days of that taxation year after the 10th day of May, 1983, bears to the total number of days of that taxation year".

(19) Section 16 shall be deemed to have come into force on the 13th day of November, 1981 and applies to corporations that become taxable after the 12th day of November, 1981. ^{Idem}

(20) Clause 18 (1) (b) shall be deemed to have come into force on the 23rd day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980. ^{Idem}

Idem (21) Section 20 shall be deemed to have come into force on the 1st day of January, 1981 and applies to corporations in respect of all taxation years ending after 1980.

Idem (22) Subsection 21 (2), section 22 and subsection 23 (2) shall be deemed to have come into force on the 1st day of January, 1980 and apply to corporations in respect of all taxation years ending after 1979 with respect to losses for taxation years ending after 1982.

Short Title **26.** The short title of this Act is the *Corporations Tax Amendment Act, 1983*.

CHAPTER 30

**An Act to provide for the Formulation
and Implementation of Emergency Plans**

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “council of a municipality” includes the board of an improvement district;
- (b) “Crown employee” means a Crown employee within the meaning of the *Public Service Act*;
- (c) “emergency” means a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property;
- (d) “emergency area” means the area in which an emergency exists;
- (e) “emergency plan” means a plan formulated under section 3, 6 or 8;
- (f) “employee of a municipality” means an employee as defined in paragraph 46 of section 208 of the *Municipal Act*;
- (g) “head of council” includes a chairman of the board of an improvement district;
- (h) “local board” means a local board as defined in the *Municipal Affairs Act*;
- (i) “local services board” means a Local Services Board established under the *Local Services Boards Act*;

R.S.O. 1980,
c. 418

R.S.O. 1980,
c. 302

R.S.O. 1980,
c. 303

R.S.O. 1980,
c. 252

- (j) “member of council” includes a trustee of the board of an improvement district;
- (k) “municipality” means a city, town, village, township and improvement district and includes a district, regional and metropolitan municipality and the County of Oxford.

Administra-
tion of Act

2. The Solicitor General is responsible for the administra-
tion of this Act.

Municipal
emergency
plan

3.—(1) The council of a municipality may pass a by-law
formulating or providing for the formulation of an emergency
plan governing the provision of necessary services during an
emergency and the procedures under and the manner in which
employees of the municipality and other persons will respond
to the emergency.

Moneys

(2) A by-law passed under subsection (1) may provide for
moneys associated with the formulation and implementation of
the emergency plan.

Co-ordina-
tion by
county

(3) The council of a county may with the consent of the
councils of the municipalities situated within the county co-
ordinate and assist in the formulation of their emergency plans
under subsection (1).

Emergency
plan may be
required

(4) The Lieutenant Governor in Council may designate
municipalities that shall have an emergency plan respecting the
type of emergency specified in the designation and, where so
designated, a municipality shall formulate or provide for the
formulation of the emergency plan.

Declaration
of emergency

4.—(1) The head of council of a municipality may declare
that an emergency exists in the municipality or in any part
thereof and may take such action and make such orders as he
considers necessary and are not contrary to law to implement
the emergency plan of the municipality and to protect prop-
erty and the health, safety and welfare of the inhabitants of
the emergency area.

Declaration
as to
termination
of emergency

(2) The head of council or the council of a municipality may
at any time declare that an emergency has terminated.

Solicitor
General to be
notified

(3) The head of council shall ensure that the Solicitor Gen-
eral is notified forthwith of a declaration made under subsec-
tion (1) or (2).

Premier may
declare
emergency
terminated

(4) The Premier of Ontario may at any time declare that an
emergency has terminated.

5. Where the council of a district, regional or metropolitan municipality or the County of Oxford has an emergency plan, an emergency plan of an area municipality in the district, regional or metropolitan municipality or the County of Oxford, as the case may be, shall conform to the emergency plan of the district, regional or metropolitan municipality or the County of Oxford, as the case may be, and has no effect to the extent of any inconsistency.

Where
emergency
plan to have
no effect

6.—(1) It is the responsibility of,

Emergency
plans of
provincial
government
bodies

(a) each minister of the Crown presiding over a ministry of the Government of Ontario; and

(b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which Crown employees and other persons will respond to the emergency.

(2) The Lieutenant Governor in Council shall appoint an Emergency Planning Co-ordinator who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the formulation and implementation of emergency plans under this section and section 8 and ensuring that such plans are co-ordinated in so far as possible with emergency plans of municipalities and the Government of Canada and its agencies.

Emergency
Planning
Co-ordinator

7.—(1) The Premier of Ontario may declare that an emergency exists throughout Ontario or in any part thereof and may take such action and make such orders as he considers necessary and are not contrary to law to implement the emergency plans formulated under section 6 or 8 and to protect property and the health, safety and welfare of the inhabitants of the emergency area.

Declaration
of emergency

(2) For the purposes of subsection (1), the Premier of Ontario may exercise any power or perform any duty conferred upon a minister of the Crown or a Crown employee by or under an Act of the Legislature.

Power of
Premier

(3) Where a declaration is made under subsection (1) and the emergency area or any part thereof is within the jurisdiction

Emergency
powers

of a municipality, the Premier of Ontario may, where he considers it necessary, direct and control the administration, facilities and equipment of the municipality to ensure the provision of necessary services in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier.

Assistance

(4) The Premier of Ontario may require any municipality to provide such assistance as he considers necessary to an emergency area or any part thereof that is not within the jurisdiction of the municipality, and may direct and control the provision of such assistance, and the Lieutenant Governor in Council may authorize the payment of the cost thereof out of the Consolidated Revenue Fund.

Premier may
designate
minister

(5) Where the Premier of Ontario makes a declaration under subsection (1), he may designate a minister of the Crown to exercise the powers conferred on the Premier by subsections (1), (2), (3) and (4).

Counties,
local boards
and local
services
boards
included

(6) For the purposes of this section, "municipality" includes a local board of a municipality, a county and a local services board.

Lieutenant
Governor in
Council to
formulate
plan

8. The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council.

What plan
may provide

9. An emergency plan may,

- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize Crown employees to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
- (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;

- (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or his inability to act;
- (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency;
- (e) provide for obtaining and distributing materials, equipment and supplies during an emergency; and
- (f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency.

10. An emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be.

Public access
to plans

11.—(1) No action or other proceeding for damages lies or shall be instituted against a member of council, an employee of a municipality, a minister of the Crown or a Crown employee for doing any act or neglecting to do any act in good faith in the implementation or intended implementation of an emergency plan or in connection with an emergency.

Protection
from
personal
liability

(2) Notwithstanding subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted.

Crown not
relieved of
liability
R.S.O. 1980,
c. 393

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality.

Municipality
not relieved
of liability

(4) For the purposes of this section, “municipality” includes a local board of a municipality and a county and “member of council” includes a member of a local board and of the council of a county.

Counties and
local boards
included

Right of
action

12. Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, “municipality” includes a local board of a municipality, a county and a local services board.

Agreements

13.—(1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the formulation and implementation of emergency plans.

Idem

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada and with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency.

Idem

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency, and for the purposes of this subsection, “municipality” includes a county.

By-law
deemed to
continue in
force

14. A by-law formulating or providing for the formulation of an emergency plan passed by the council of a municipality before this Act comes into force shall, to the extent that it conforms to this Act, be deemed to continue in force.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Emergency Plans Act, 1983*.

CHAPTER 31

An Act to amend the Motor Vehicle Dealers Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Motor Vehicle Dealers Act*, being chapter 299 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1,
amended

(ca) “Fund” means the Motor Vehicle Dealers Compensation Fund established under clause 24 (o).

2. Section 24 of the said Act is amended by adding thereto the following clauses: s. 24,
amended

(o) providing for the establishment, maintenance and administration of the Motor Vehicle Dealers Compensation Fund including prescribing provisions relating to investing and paying out of money from the Fund;

(p) providing for the payment of levies into the Fund by participants and prescribing the amounts thereof;

(q) providing for payment out of the Fund of claims and procedures to be followed in respect thereto;

(r) requiring participation in the Fund by motor vehicle dealers.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is the *Motor Vehicle Dealers Amendment Act, 1983*. Short title

CHAPTER 32

An Act to amend the Collection Agencies Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of the *Collection Agencies Act*, being chapter 73 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding thereto the following clause:

s. 22,
amended

- (e) engage in any prohibited practice or employ any prohibited method in the collection of debts.

2. Clause 30 (1) of the said Act is repealed and the following substituted therefor:

s. 30 (1),
re-enacted

- (1) prescribing prohibited practices and methods for the purpose of section 22.

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Collection Agencies Amendment Act, 1983*.

Short title

CHAPTER 33

An Act to amend the
Boilers and Pressure Vessels Act

Assented to June 9th, 1983

HER MAJESTY; by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

**1. Section 32 of the *Boilers and Pressure Vessels Act*, being
chapter 46 of the Revised Statutes of Ontario, 1980, is repealed
and the following substituted therefor:**

s. 32,
re-enacted

32.—(1) Subject to subsections (2) and (3), where a boiler,
pressure vessel or plant is found to be in an unsafe condition,
no person shall make any major repairs thereto until he has
notified an inspector of the nature and extent of such repairs
and an inspector has concurred therewith, and the boiler,
pressure vessel or plant shall not be put into operation or use
until a further inspection by an inspector has been made and
the chief inspector has issued a new certificate of inspection
therefor.

Repairs to
boilers, etc.,
found unsafe

(2) Where a boiler, pressure vessel or plant referred to in
subsection (1) is insured, the concurrence and inspection
required under subsection (1) may be made by or through the
insurer and the insurer may issue a new certificate of inspection
therefor.

Idem

(3) The chief inspector may exempt in writing the owner of a
plant that is normally operated twenty-four hours a day for
seven days a week from the requirements of subsection (1)
where he is satisfied that the repairs will be carried out in a safe
and proper manner and subject to such terms and conditions as
are prescribed in the regulations or required by the chief
inspector.

Exemption
by chief
inspector

**2. Section 36 of the said Act is amended by adding thereto
the following subsection:**

s. 36,
amended

(12) In this section, “employer” includes a trade association
of persons or companies whose business includes welding.

Interpre-
tation

s. 42,
amended

3. Section 42 of the said Act is amended by adding thereto the following clause:

- (t) prescribing terms to which exemptions made under section 32 of this Act are subject.

Commence-
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Boilers and Pressure Vessels Amendment Act, 1983*.

CHAPTER 34

An Act to amend the
Vital Statistics Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 27 (2) of the *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 27 (2),
re-enacted

(2) The Registrar General, upon receiving a statement of divorce under subsection (1), shall register it.

Registration
of statement

2.—(1) Clause 32 (2) (b) of the said Act is amended by striking out “Ontario” in the third line and inserting in lieu thereof “Canada”.

s. 32 (2) (b),
amended

(2) Subsection 32 (3) of the said Act is amended by inserting after “(a)” in the second line “or (b)”.

s. 32 (3),
amended

3. Subsection 39 (1) of the said Act is amended by striking out “only” in the first line.

s. 39 (1),
amended

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. The short title of this Act is the *Vital Statistics Amendment Act, 1983*.

Short title

CHAPTER 35

An Act to amend the
Ministry of Government Services Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (2) of the *Ministry of Government Services Act*, being chapter 279 of the Revised Statutes of Ontario, 1980, is amended by striking out “printed by the Government” in the fourth line and inserting in lieu thereof “produced by the Government in any form”. s. 3 (2),
amended

2. The said Act is amended by adding thereto the following section: s. 4a,
enacted

4a.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry. Seal

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed. Idem

3. Subsection 5 (3) of the said Act is amended by inserting after “Minister” in the fourth line “or of the Ministry”. s. 5 (3),
amended

4. The said Act is further amended by adding thereto the following section: s. 12a,
enacted

12a.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Queen’s Printer for Ontario, or an officer, clerk or servant of the Ministry, or anyone acting under the authority of the Deputy Minister for any act done in good faith in the execution or intended execution of a duty, or for any alleged neglect or default in the execution in good faith of a duty. Protection
from
personal
liability

(2) Subsection (1) does not by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person Idem
R.S.O. 1980,
c. 393

mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

s. 16,
amended

5.—(1) Section 16 of the said Act is amended by striking out “subject to the approval of the Lieutenant Governor in Council” in the third and fourth lines.

s. 16,
amended

(2) The said section 16 is further amended by adding thereto the following subsection:

Effect of
R.S.O. 1980,
c. 147

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) or under the direction of the Minister and the Deputy Minister under subsection 10 (2) has the same effect as if made and signed by the Minister.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Ministry of Government Services Amendment Act, 1983*.

CHAPTER 36

**An Act to regulate the
Granting of Degrees**

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,

 - (a) “Minister” means the Minister of Colleges and Universities;
 - (b) “person” includes a sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization or trust;
 - (c) “regulations” means the regulations made under this Act.

Interpre-
tation
- 2.** No person shall directly or indirectly,

 - (a) grant a degree;
 - (b) provide a program of post-secondary study leading to a degree to be conferred by a person in or outside Ontario;
 - (c) advertise a program of post-secondary study offered in Ontario leading to a degree to be conferred by a person in or outside Ontario; or
 - (d) sell, offer for sale, or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that is, or indicates or implies the granting or conferring of, a degree,

Authority
to grant a
degree, etc.
- unless the person,
- (e) is by an Act of the Assembly authorized to grant the degree; or

- (f) is a degree granting institution established outside Ontario and has the written consent of the Minister.

Authority
to establish
a university,
etc.

3. No person shall directly or indirectly,

- (a) operate or maintain a university;
- (b) use or be known by a name of a university or any derivation or abbreviation thereof;
- (c) hold himself out to be a university;
- (d) make use of, in any advertising relating to an educational institution in Ontario, the word university or any derivation or abbreviation thereof,

unless the person,

- (e) is by an Act of the Assembly authorized to operate or maintain the university; or
- (f) is a university established outside Ontario and has the written consent of the Minister.

Consent
of
Minister

4.—(1) The Minister may give a written consent to,

- (a) a degree-granting institution established outside Ontario to enable it to do any one or more of the things mentioned in clauses 2 (a) to (d); or
- (b) a university established outside Ontario to enable it to do any one or more of the things mentioned in clauses 3 (a) to (d).

Terms and
conditions
of consent

(2) The Minister may attach such terms and conditions to a consent given under subsection (1) as the Minister considers proper to give effect to the intent of this Act.

Inspection

5.—(1) Where the Minister has reasonable and probable grounds to believe that a person has contravened any of the provisions of this Act or the regulations, an inspector designated by the Minister in writing may at any reasonable time enter upon the business premises of such person, to make an inspection for the purpose of determining whether or not the person is in contravention of this Act or the regulations.

Powers on
inspection

(2) Upon an inspection under subsection (1), the inspector,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspond-

ence and records of the person being inspected that are relevant for the purposes of the inspection; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause (a) that relates to the purpose of the inspection for the purpose of making a copy thereof in which case the inspector shall make a copy with dispatch and return the material promptly thereafter to the person being inspected,

and no person shall obstruct the inspector in his inspection, withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

(3) A copy made as provided in subsection (2) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Admissibility of copies

6.—(1) Every person who,

Offence

- (a) knowingly furnishes false information in any application under this Act or the regulations or in any statement or return required to be furnished under this Act or the regulations; or
- (b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information or contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where the person convicted of an offence under subsection (1) is a corporation, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Idem

7. A written statement as to,

Certificate of Minister as evidence

- (a) the consent or non-consent given to any person by the Minister; or
- (b) any other matter pertaining to such consent or non-consent,

purported to be certified by the Minister, is, without proof of the office or signature of the Minister, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) governing applications for consent to engage or perform any act referred to in section 2 or 3;
- (b) providing for the expiration and renewal of consents;
- (c) prescribing information that must be contained in an application or form and requiring any such information to be verified by affidavit;
- (d) prescribing the terms and conditions upon which a consent of the Minister may be granted under this Act;
- (e) exempting any person or class of persons from any requirement of this Act or the regulations;
- (f) prescribing forms and providing for their use.

Commence-
ment

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the *Degree Granting Act, 1983*.

CHAPTER 37

An Act to amend the Income Tax Act*Assented to June 9th, 1983*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2a,
enacted

2a. Every individual whose taxable income exceeds the amount prescribed for the purposes of subsection 6 (2) for the 1983 or 1984 taxation year shall, in addition to the income tax otherwise payable by him under this Act, pay, Temporary
surcharge

- (a) in respect of the 1983 taxation year, a tax of 2.5 per cent; and
- (b) in respect of the 1984 taxation year, a tax of 5 per cent,

of the tax that exceeds the amount prescribed for the purposes of this section and that is payable by him under the provisions of this Act, other than this section, before any deduction authorized by subsection 3 (8) or section 7.

2. Clause 3 (5) (k) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 1, is repealed and the following substituted therefor: s. 3 (5) (k),
re-enacted

- (k) 48 per cent in respect of the 1982 and subsequent taxation years.

3. This Act shall be deemed to have come into force on the 1st day of January, 1983. Commence-
ment

4. The short title of this Act is the *Income Tax Amendment Act, 1983*. Short title

CHAPTER 38

An Act to amend the Niagara Parks Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 (2) of the *Niagara Parks Act*, being chapter 317 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 10 (2),
re-enacted

(2) Section 38 of the *Public Transportation and Highway Improvement Act* applies with necessary modifications to any portion of any of the highways, roads, boulevards or parkways designated under subsection (1) and for such purpose any reference in that section to the Minister or the Ministry shall be deemed to be a reference to the Commission. Application
of
R.S.O. 1980,
c. 421, s. 38

2. Clause 21 (1) (f) of the said Act is repealed and the following substituted therefor: s. 21 (1) (f),
re-enacted

- (f) prohibiting or licensing, regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within 400 metres of any part thereof;
- (fa) prescribing fees, permits and terms and conditions under which the erection, posting up or other display of notices, signs, sign boards, and other advertising devices may be permitted within the Parks or within 400 metres of any part thereof.

3. The said Act is amended by adding thereto the following section: s. 23,
enacted

23.—(1) Any lost, mislaid or abandoned property coming into the custody of an officer or employee of the Commission or found on the lands of the Commission and not claimed by the owner within three months is the property of the Commission and may be sold under the direction of the Commission, but, where the property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. Lost,
mislaid or
abandoned
property

Idem (2) Where a person establishes to the satisfaction of the Commission within one year of the date of sale that he was the owner of property sold under subsection (1), the Commission may direct the payment to him of an amount equal to the price received for the property less the costs referable to the sale and other expenses, including costs and charges under subsection (3), incurred in connection with the property.

Lien for costs and charges for care and storage (3) Where any lost, mislaid or abandoned property comes into the custody of an officer or employee of the Commission or is found on the lands of the Commission, any officer or employee of the Commission may take the property into his custody, cause it to be taken, cared for and stored in a suitable place and all costs and charges for removal, care and storage are a lien upon the property and may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*.

R.S.O. 1980, c. 261

Commence-ment **4. This Act comes into force on the day it receives Royal Assent.**

Short title **5. The short title of this Act is the *Niagara Parks Amendment Act, 1983*.**

CHAPTER 39

An Act to amend the
Municipality of Metropolitan Toronto Act

Assented to June 9th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 206a,
enacted

206a.—(1) In this section,

Interpre-
tation

- (a) “Board” means the Board of Management of The Guild;
- (b) “The Guild” means the lands and buildings, as described in Article I of the Indenture of Lease mentioned in subsection (10), situate in the Borough of Scarborough known as The Guild, used for hotel, restaurant, recreational and cultural facilities.

(2) The Metropolitan Corporation may acquire The Guild from The Metropolitan Toronto and Region Conservation Authority by purchase, lease or otherwise and may operate, manage and maintain The Guild as a hotel, restaurant, recreational, cultural, conference and seminar facility.

Acquisition
of Guild by
Metropolitan
Corporation

(3) There is hereby established a corporation without share capital under the name “Board of Management of The Guild” and the Board shall have a corporate seal, may sue and be sued in its own name, may enter into contracts including contracts of employment, and shall have all powers necessary for or incidental to the operation, management and maintenance of The Guild.

Board
established

(4) The *Corporations Act* does not apply to the Board.

R.S.O. 1980,
c. 95,
not to apply

Composition
of Board

(5) The Board shall consist of fifteen members composed of a chairman and fourteen members appointed by the Metropolitan Council, of whom seven shall be nominees of the Lieutenant Governor in Council.

Term of
office

(6) The members shall hold office for a term not exceeding that of the Council that appointed them, and until their successors are appointed, and all such members are eligible for re-appointment.

First
chairman

(7) The Lieutenant Governor in Council shall appoint as first chairman of the Board a person who is the nominee of the Board, to hold office during the term specified in the appointment, and the Board may elect from among its members a vice-chairman.

Chairman

(8) After the term of the first chairman has expired the Board shall elect as chairman one of the members of the Board or some other person to hold office until his or her successor is elected.

Quorum

(9) A majority of the members of the Board constitutes a quorum.

Lease
extended

(10) The Indenture of Lease dated the 16th day of June, 1978, between The Metropolitan Toronto and Region Conservation Authority of the First Part (the Landlord), Ravenna Guild Inn Limited (for which was subsequently substituted Guildwood Hall) of the Second Part (the Tenant), The Municipality of Metropolitan Toronto of the Third Part and H. Spencer Clark of the Fourth Part (Guarantor) is hereby extended so as to be fully complete and ended on the 31st day of December, 1983, and the Indenture of Lease as extended is hereby declared valid and binding on the parties thereto, according to its terms.

Notices
declared
null and void

(11) The Notice of Termination dated the 1st day of November, 1982 given by The Metropolitan Toronto and Region Conservation Authority to Guildwood Hall and the Notice of Termination of Maintenance and Service Contracts, Employment Contracts, Rental Contracts and Contracts for the Supply of Accommodation and Catering Services dated the 10th day of November, 1982 given by The Metropolitan Toronto and Region Conservation Authority and The Municipality of Metropolitan Toronto to Guildwood Hall are hereby declared to be null and void and of no force or effect.

(12) The Metropolitan Corporation shall enter into agreements with the Board entrusting the operation, management and maintenance of The Guild to the Board on such terms and conditions as the Metropolitan Council may consider proper.

Agreement to operate, manage and maintain Guild

(13) The first such agreement entered into in accordance with subsection (12) shall be for a period of two years, ending on the 31st day of December, 1985, and is subject to the approval of the Lieutenant Governor in Council.

First agreement

(14) The Board may enact by-laws for the regulation of its proceedings and for the conduct and management of its affairs.

By-laws

(15) The Board is a local board of the Metropolitan Corporation.

Local board

(16) The Metropolitan Corporation is entitled to any surplus resulting from the operations of the Board and is responsible for any deficit incurred by it.

Surplus or deficit

(17) The Board shall submit to the Metropolitan Council its budget for the current year at the time and in the form prescribed by the Metropolitan Council and the budget shall be subject to approval, with or without modification, by the Metropolitan Council.

Budget

(18) After the approval of the Board's annual budget by the Metropolitan Council, any and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines.

Spending in accordance with budget

(19) The Board may borrow money with the prior approval of the Metropolitan Council for the purposes of acquiring working capital, but nothing in this subsection authorizes the Board to issue debentures.

Borrowing powers

(20) Every person who was employed by Guildwood Hall on the 15th day of June, 1983 as a permanent employee in connection with the operation, management and maintenance of The Guild and who continues to be an employee on the 31st day of December, 1983 shall be offered employment as an employee of the Board at no loss in salary commencing on the 1st day of January, 1984, but nothing in this subsection prevents the Board from terminating the employment of an employee for cause.

Offer of employment

(21) The Board will indemnify Guildwood Hall against any and all claims by any employee referred to in subsection (20) in any way connected with the termination of his or her employment by the Board after the 31st day of December, 1983.

Indemnification

Board
deemed
participant
in
O.M.E.R.S.

(22) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 1st day of January, 1984.

Pension
benefits

(23) Where any person accepts employment under subsection (20),

(a) he shall become a member of the Ontario Municipal Employees Retirement System on his transfer date; and

(b) his employment with Guildwood Hall shall be deemed to have been employment with the Board for the purposes of the *Ontario Municipal Employees Retirement System Act*.

R.S.O. 1980,
c. 348

Idem

(24) The Board shall be deemed to have assumed responsibility as of the 31st day of December, 1983 for the accrued pension benefits of any pension plan in existence on that date respecting employees who accept employment under subsection (20), and the rights of Guildwood Hall in any such plans are hereby vested in the Board, but nothing in this section shall be deemed to require the Board to provide benefits other than those already earned and funded.

Study by
Board

(25) The Board shall cause a study to be conducted to consider and make recommendations in respect of,

(a) the best and most appropriate future uses of The Guild, and the uses of the lands immediately adjoining thereto; and

(b) the best and most appropriate future organization and management structure for The Guild,

and, for the purpose of implementing the study, the Board may, subject to the approval of the Minister and the chairman of the Metropolitan Council, engage as consultants such persons possessing expert or technical knowledge, as the Board considers necessary.

Costs of
study

(26) Subject to the approval of the Minister, the costs reasonably incurred by the Board in conducting the study shall be borne by the Province of Ontario.

Recommendations
of Board

(27) Upon the completion of the study, and in any event not later than the 16th day of June, 1985, the Board shall submit to the Minister and to the Metropolitan Council its recommendations in respect of the matters set out in clauses (25) (a) and (b).

(28) The moneys required for the purposes of subsection (26) shall, until the 31st day of March, 1984, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Moneys

2. This Act comes into force on the 15th day of June, 1983.

Commence-
ment

3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983 (No. 3)*.

Short title

CHAPTER 40

**An Act to revise the
Grain Elevator Storage Act**

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “agreement to sell” means a written agreement for the sale of farm produce that is stored or to be stored made between a grain elevator operator and an owner of farm produce;
- (b) “Board” means the Agricultural Licensing and Registration Review Board under the *Ministry of Agriculture and Food Act*; R.S.O. 1980,
c. 270
- (c) “chief inspector” means the chief inspector appointed under this Act;
- (d) “farm produce” means beans, corn, grain, grass seeds and oil seeds and all kinds thereof produced in Ontario;
- (e) “grain elevator” means any building, container, structure or receptacle in which farm produce is received for storage, but does not include,
 - (i) premises where a producer receives or stores farm produce as farm feed for his own live stock or poultry,
 - (ii) premises where a producer stores and sells farm produce actually produced by that producer, or
 - (iii) premises where a terminal, transfer or processor grain elevator is licensed under any Act of the Parliament of Canada;

- (f) “grain elevator operator” means a person who operates a grain elevator;
- (g) “grain storage receipt” means a receipt as prescribed by the regulations that is to be issued by a grain elevator operator or his authorized representative to the owner of farm produce;
- (h) “licence” means a licence under this Act;
- (i) “Minister” means the Minister of Agriculture and Food;
- (j) “regulations” means the regulations made under this Act;
- (k) “stored”, when used with respect to farm produce, means placed in a grain elevator upon terms that the ownership shall remain in the owner of the farm produce until such time as the owner has sold the farm produce and has received due compensation or has removed the farm produce from the elevator, and “storage” has a corresponding meaning;
- (l) “weigh ticket” means a receipt as prescribed by the regulations that is to be issued by a grain elevator operator or his employee to the owner of farm produce or his agent. R.S.O. 1980, c. 191, s. 1, *amended*.

Appointment
of chief
inspector and
inspectors

2.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to enforce this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister.

Powers of
inspector

(3) Subject to subsections (4), (5), (6) and (7), an inspector may, for the purpose of carrying out his duties under this Act, upon production of a certificate of his appointment,

- (a) enter any grain elevator including any building used in connection therewith that he believes on reasonable and probable grounds are used by a grain elevator operator and inspect such grain elevator or building and any grain stored and any books, records or documents pertaining thereto; and

- (b) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to grain stored by a grain elevator operator.

- (4) Except under the authority of a warrant under section 142 of the *Provincial Offences Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant.

Entry of dwelling
R.S.O. 1980, c. 400

- (5) An inspector shall exercise his powers under subsection (3) at all reasonable times, but nothing in this section affects the issuance and execution of a warrant under section 142 of the *Provincial Offences Act*.

When powers to be exercised

- (6) Where an inspector demands the production or furnishing of books, records or documents or extracts therefrom, the person having custody thereof shall produce or furnish them immediately to the inspector, and the inspector may remove and detain them for the purpose of making, or causing to be made, one or more copies thereof if such copies are made with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Production of records, etc.

- (7) Where a copy of a book, record, document or extract has been made under subsection (6), a copy purporting to be certified by the inspector to be a copy made under subsection (6) is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Certification of copy

- (8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. R.S.O. 1980, c. 191, s. 6.

Obstruction of inspector

- 3.—**(1) No person shall receive or offer to receive farm produce for storage at a grain elevator unless he is the holder of a licence as a grain elevator operator issued by the chief inspector in respect of the grain elevator. R.S.O. 1980, c. 191, s. 7 (1).

Licences

- (2) A person shall make a separate application and obtain a separate licence for each different location on which he operates a grain elevator.

Separate application for each location

- (3) A licence may be transferred, subject to the approval of the chief inspector and on such terms and conditions as he may impose, on the application of the transferee. *New.*

Licence may be transferred

Application
for licence

4. An application for a grain elevator operator's licence shall be made by the applicant on forms supplied by the chief inspector and the application shall require that the applicant,

- (a) produce a current financial statement; and
- (b) disclose,
 - (i) the name and location of the bank currently servicing the grain elevator storage business of the applicant,
 - (ii) the location, capacity and ownership of each grain elevator,
 - (iii) the type and kind of farm produce to be received or stored in each elevator,
 - (iv) the names and signatures of all persons authorized to sign a grain storage receipt or an agreement to sell for farm produce received or stored at the grain elevator, and
 - (v) any other additional information in relation to the operation of the grain elevator that the chief inspector may require. *New.*

Issue of
licence

5.—(1) The chief inspector shall issue a licence as a grain elevator operator to a person who makes an application therefor in accordance with this Act and the regulations and pays the prescribed fee, except where,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on business as a grain elevator operator;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the business will not be carried on in accordance with the law or with integrity and honesty;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;

(e) the applicant was previously the holder of a licence and,

(i) such licence was revoked, or

(ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business was convicted of an offence,

under this Act, and the grounds for such revocation or conviction warrant a refusal to issue the licence; or

(f) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business. R.S.O. 1980, c. 191, s. 7 (2), *amended*.

(2) A licence issued under subsection (1) may be made subject to such terms and conditions as are prescribed in the licence or by the regulations. *New*. Terms and conditions

6. The chief inspector may issue a temporary licence to an applicant on such terms and conditions as for such length of time as the chief inspector considers proper where he is of the opinion that, Temporary licence

(a) the applicant requires only a temporary licence;

(b) conditions should be imposed on an applicant that must be fulfilled prior to a licence being issued; or

(c) the circumstances or the information provided by the applicant do not justify the issuance of a licence. *New*.

7.—(1) Subject to section 10, the chief inspector may at any time review a licence on his own initiative and attach such further terms and conditions as he considers proper to give effect to the purposes of this Act. Review of licence

(2) The chief inspector may, on the application of a licensee, remove any terms or conditions to which the licence was made subject under subsection (1) where there is a change or circumstances. *New*. Removal of terms and conditions

8. Every licensee shall forthwith report in writing to the chief inspector where there has been a change, Report of change

- (a) in the location of the banking facilities of the licensee;
- (b) in the nature or form of the ownership of the grain storage elevator in respect of which the licence has been issued;
- (c) in the control of the grain elevator or of the business operations thereof; and
- (d) in the persons authorized to sign a storage receipt or an agreement to sell. *New.*

Refusal
to issue
or approve
transfer of
licence

9.—(1) Subject to section 10, the chief inspector may refuse to issue or refuse to approve the transfer of a licence where, in the opinion of the chief inspector, the applicant is not entitled to a licence under the provisions of this Act and the regulations applicable to such refusal. *New.*

Refusal
to renew,
suspension
or revocation

(2) Subject to section 10, the chief inspector may refuse to renew or may suspend or revoke a licence issued under section 5 or 6 where,

- (a) any ground exists that would disentitle the applicant to the issuance of a licence under section 5;
- (b) the licensee is in contravention of a term or condition of his licence;
- (c) the licensee, or anyone under his control, has contravened any provision of this Act or the regulations or of any other law in force in Ontario that applies to the carrying on of the grain elevator storage business; or
- (d) any other ground for refusal to renew, suspension or revocation specified in the regulations exists. R.S.O. 1980, c. 191, s. 8 (1), *amended.*

Continuation
of licence
pending
renewal

(3) Where, within the time prescribed therefor, or if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of the Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal. R.S.O. 1980, c. 191, s. 8 (2).

Notice of
proposal

10.—(1) Where the chief inspector proposes,

- (a) to refuse to issue a licence, to refuse to renew a licence or to refuse to approve the transfer of a licence;
- (b) to suspend or revoke a licence; or
- (c) to attach terms and conditions to a licence or to refuse to remove a term or condition of a licence under subsection 7 (2),

he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee affected.

(2) A notice under subsection (1) shall inform the applicant or licensee that he is entitled to a hearing by the chief inspector if he mails or delivers to the chief inspector, within fifteen days after the notice under subsection (1) is served on him, notice in writing requiring a hearing by the chief inspector and he may so require such a hearing. *New.*

Notice of entitlement to hearing

(3) The notice under subsection (1) shall afford to the applicant or licensee a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the issuance or retention of the licence. R.S.O. 1980, c. 191, s. 9 (1), *amended.*

Opportunity to comply

(4) An applicant or licensee who is a party to the hearing shall be afforded an opportunity to examine before the hearing any documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1980, c. 191, s. 9 (2), *amended.*

Examination of documentary evidence

(5) Where an applicant or licensee does not require a hearing by the chief inspector in accordance with subsection (2), the chief inspector may carry out the proposal stated in his notice under subsection (1). *New.*

Powers of chief inspector where no hearing

11. Where the chief inspector has refused to issue, refused to approve a transfer of or refused to renew or has suspended or revoked a licence after a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the chief inspector shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision after the rehearing as he considers proper under this Act and the regulations. R.S.O. 1980, c. 191, s. 10, *amended.*

Variation of decision by chief inspector

12.—(1) Where the chief inspector refuses to issue, refuses to approve a transfer of, refuses to renew or suspends

Appeal to Board

or revokes a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Board within fifteen days after receipt of the decision of the chief inspector, appeal to the Board.

Extension
of time for
giving notice

(2) The Board may extend the time for giving notice by an appellant or licensee under subsection (1), either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Powers of
Board

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the chief inspector.

Effect of
decision
pending
notice of
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. R.S.O. 1980, c. 191, s. 11.

Parties

13.—(1) The chief inspector, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to
have taken
part in
investi-
gation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an advisor independent from the parties and, in such case, the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Findings
of fact

R.S.O. 1980, .
c. 484

(5) No member of the Board shall participate in a decision of the Board after a hearing unless he was present throughout and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. R.S.O. 1980, c. 191, s. 12

Only
members
present
at hearing
to participate
in decision

14.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Appeal to
Divisional
Court

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Minister
entitled to
be heard

(3) The chairman of the Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Record to
be filed
in court

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the chief inspector or of the Board.

Powers
of court
on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. R.S.O. 1980, c. 191, s. 13.

Effect of
decision
of Board
pending
appeal

15.—(1) All farm produce delivered to a grain elevator shall be deemed to be for storage and such delivery and storage shall not constitute a sale unless it is established to the contrary in writing. R.S.O. 1980, c. 191, s. 2 (1), *amended*.

Delivery
deemed to
be for
storage

(2) Notwithstanding any other Act, the property in and the title to farm produce stored in a grain elevator remains at all times in the owner of the farm produce.

Title to
remain in
owner

(3) Every person who intends to take control of a grain elevator or the business operations of a grain elevator operator

Notice to
chief
inspector

shall notify orally the office of the chief inspector of such intention and the location of the grain elevator prior to taking control of the grain elevator or business operations.

Chief
inspector
shall be
permitted
to enter

(4) Every person who has taken control of a grain elevator or the business operations of a grain elevator operator shall permit the chief inspector to enter the premises and ascertain the amount of farm produce that is stored on the premises and the chief inspector may authorize and direct the removal of any or all of such farm produce. *New.*

Weigh ticket

16.—(1) Where farm produce is delivered to a grain elevator, the owner of the farm produce or, where delivery is made by his agent, the agent, shall state whether the farm produce is for storage, is sold or is for any other specified use and the grain elevator operator or his employee shall so mark and issue to the owner or agent, as the case may be, a weigh ticket for each and every delivery.

Grain
storage
receipt

(2) Where a grain elevator operator or his employee issues weigh tickets in respect of farm produce delivered for storage, the grain elevator operator or his authorized representative shall issue a grain storage receipt within five days, if requested, but in no case later than thirty days, after the date of the first weigh ticket issued respecting the particular lot of farm produce delivered for storage.

Idem

(3) Where a grain storage receipt is issued, it supersedes and replaces all weigh tickets issued in respect of the particular lot of farm produce described in the grain storage receipt.

Not more
than
one grain
storage
receipt

(4) No person shall issue or receive more than one grain storage receipt in respect of the same lot of farm produce delivered.

Signing
of receipt

(5) No person shall sign a grain storage receipt on behalf of a grain elevator operator, except a person authorized by him.

Delivery
of receipt

(6) Where a grain elevator operator issues a grain storage receipt, he shall ensure that the receipt is forthwith delivered or forwarded to the owner of the farm produce. *New.*

Agreement
to sell

17.—(1) An agreement to sell shall be in the form prescribed by the regulations.

Property
in and title
to grain
produce

(2) Where farm produce is in storage and is subject to an agreement to sell, the property in and title to the farm produce remains in the owner thereof until the owner has received the price agreed upon by the owner and the grain elevator operator.

(3) Where the owner of farm produce in storage has sold the farm produce to the grain elevator operator or through the grain elevator operator as his agent to any other person, the grain elevator operator shall ensure that the owner receives payment as promptly and in such manner as is provided for in the regulations. Payment

(4) Notwithstanding anything in this Act, where the owner of farm produce in storage agrees to sell the farm produce on option, payment to the owner by the grain elevator operator on the day on which the farm produce is sold of such percentage of the market price on that day as is prescribed by the regulations is deemed to be due compensation for the purposes of clause 1 (k). *New.* Sale on option

18.—(1) No person shall issue a weigh ticket or grain storage receipt or sign an agreement to sell without making and keeping a complete record of all matters pertaining thereto. Records

(2) Every grain elevator operator shall keep copies of all weigh tickets issued by him or his employee in a separate account for each owner until such time as a grain storage receipt is issued that replaces the full amount of the weigh tickets held in a separate account for that owner. *New.* Weigh ticket

19.—(1) Every grain elevator operator shall insure and keep insured with an insurer licensed under the *Insurance Act* all farm produce in his grain elevator or stored by the grain elevator operator on unlicensed premises against loss or damage by fire, lightning, explosion, windstorm and hail to the full market value of the farm produce. R.S.O. 1980, c. 191, s. 18 (1), *amended.* Insurance
R.S.O. 1980,
c. 218

(2) Every contract of insurance obtained under subsection (1) shall provide that the proceeds of the contract are payable to the holders of grain storage receipts or weigh tickets for farm produce stored in the elevator as their interests may respectively appear in priority to any claim by the grain elevator operator or any person acting as assignee or representative of the grain elevator operator. Payment of proceeds

(3) Every grain elevator operator shall furnish to the chief inspector certified copies of the policies providing the insurance coverage referred to in subsection (1) forthwith after the coverage comes into force. *New.* Certified copies of policies to be furnished

(4) Every contract of insurance in which the coverage referred to in subsection (1) is included shall provide that payment thereunder shall not be made without the consent of the chief inspector. R.S.O. 1980, c. 191, s. 18 (2). Chief inspector's consent to payment

Notice to
chief
inspector

(5) Where any loss or damage referred to in subsection (1) occurs, the grain elevator operator shall so notify the chief inspector forthwith. *New.*

Statement
of value
of farm
produce

(6) Every grain elevator operator shall provide to the chief inspector in such form and at such times as the chief inspector requires a statement setting out the full market value of all of the farm produce currently in his grain elevator or stored by him on unlicensed premises. R.S.O. 1980, c. 195, s. 19, *amended.*

Storage not
to exceed
capacity

20.—(1) Subject to subsections (2) and (3), no grain elevator operator shall receive for storage farm produce that will cause the operator to exceed the storage capacity of the elevator as indicated on his application for a licence.

Contract
for storage
in another
elevator

(2) A grain elevator operator may under contract for storage facilities with another grain elevator operator licensed under this Act or any Act of the Parliament of Canada store therein farm produce received for storage at his elevator. R.S.O. 1980, c. 191, s. 20, *amended.*

Storage in
additional
facilities

(3) Where a grain elevator operator arranges for additional storage facilities as provided for in subsection (2), he shall obtain weigh tickets and a grain storage receipt for farm produce stored in the additional facilities and shall keep on file copies of all such weigh tickets and grain storage receipts.

Storage on
unlicensed
premises

(4) A grain elevator operator may with the written consent of the chief inspector store farm produce on unlicensed premises on such conditions as the chief inspector determines. *New.*

Farm
produce
in storage
to
correspond
to receipts

21. Every grain elevator operator shall have at all times in his grain elevator or in storage facilities arranged under subsection 20 (2) or (4) such amounts of farm produce of each kind and grade as will at least equal the total amounts of outstanding grain storage receipts and weigh tickets issued by him. R.S.O. 1980, c. 191, s. 21.

Farm
produce
not subject
to lien, etc.

22. Unless it is agreed in writing to the contrary, farm produce stored in a grain elevator is not subject to any lien, charge or set-off other than for charges related to the storage and handling of the farm produce, including storage charges, elevation charges, conditioning charges, transportation charges and advance payments respecting the farm produce. R.S.O. 1980, c. 191, s. 4, *amended.*

R.S.O. 1980,
c. 528 and
R.S.O. 1980,
c. 150, s. 2,
not to apply

23. The *Warehouse Receipts Act* and section 2 of the *Factors Act* do not apply to farm produce in the possession of

a grain elevator operator for storage or to a document of title thereto. R.S.O. 1980, c. 191, s. 5, *amended*.

24. Where the chief inspector believes that it is necessary for the protection of the interests of the owners of farm produce, and in particular, and without limiting the generality of the foregoing, the chief inspector believes that,

Powers
of chief
inspector

- (a) a grain elevator operator has failed to comply with any provision of this Act or the regulations;
- (b) a grain elevator operator is insolvent or is in receivership or is about to become insolvent or enter into receivership;
- (c) a grain elevator operator has abandoned an elevator; or
- (d) a grain elevator operator is in contravention of section 21,

the chief inspector may,

- (e) order the operation of a grain elevator to cease until such time as the actual amount of farm produce in storage can be ascertained and, for such purpose, may cause any storage bins to be sealed;
- (f) seize the farm produce wherever it is located or such quantity thereof as is necessary to protect the interests of the owners of the stored farm produce;
- (g) remove the farm produce seized under clause (f) from a grain elevator and arrange for its storage in another licensed grain elevator and shall obtain grain storage receipts from the operator thereof in the name of the owners of the farm produce;
- (h) distribute the stored farm produce seized on a *pro rata* basis to the owners;
- (i) sell the farm produce seized or a sufficient quantity thereof to protect the interests of the owners of the farm produce and distribute the proceeds of the sale of the farm produce *pro rata* among the owners thereof; and
- (j) insure the farm produce with an insurer licensed under the *Insurance Act* as trustee for the owners of the farm produce. *New.*

R.S.O. 1980,
c. 218

Offence

25. Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement to be furnished under this Act or the regulations; or
- (b) contravenes any provision of this Act or the regulations, or any order of the chief inspector under clause 24 (e) or breaks or removes any seal applied to a storage bin under clause 24 (e),

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$25,000 or to a term of imprisonment of not more than one year for any subsequent offence. R.S.O. 1980, c. 191, s. 18, *amended*.

Regulations

26. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (b) prescribing the terms and conditions on which licences are issued;
- (c) prescribing grounds for refusal to renew and for suspension or revocation of licences in addition to the grounds mentioned in section 9;
- (d) prescribing the information that shall be shown on a grain storage receipt and on a weigh ticket;
- (e) prescribing the form, terms and conditions of an agreement to sell;
- (f) prescribing forms and providing for their use;
- (g) prescribing services or acts that may be performed at any time by the chief inspector to protect the farm produce or deal with the proceeds from the sale of any farm produce delivered for storage to a grain elevator;
- (h) prescribing the time and manner in which payment for farm produce sold shall be made;
- (i) prescribing a percentage for the purposes of subsection 17 (4);

- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1980, c. 191, s. 23, *amended*.

27. The *Grain Elevator Storage Act*, being chapter 191 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

29. The short title of this Act is the *Grain Elevator Storage Act, 1983*. Short title

CHAPTER 41

An Act to amend the Municipal Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause (a) of paragraph 119 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subclause:

s. 210,
par. 119 (a),
amended

(iia) may deem, subject to such terms and conditions as are set out in the by-law, permits and other markers or devices issued by other jurisdictions for the purpose of identifying handicapped persons or vehicles used by handicapped persons to be permits issued for the purposes of by-laws passed under this paragraph and paragraph 150.

(2) Paragraph 119 of the said section 210 is amended by adding thereto the following clause:

s. 210,
par. 119,
amended

(b) A number plate issued under the *Highway Traffic Act* that bears the symbol for the disabled shall be deemed to be a permit issued for the purposes of by-laws passed under this paragraph and paragraph 150.

R.S.O. 1980,
c. 198

(3) Section 210 of the said Act is amended by adding thereto the following paragraph:

s. 210,
amended

144c. For licensing, regulating and governing persons who carry on the business of leasing mobile signs.

Mobile sign
lessors

- (a) For the purpose of this paragraph, “mobile sign” does not include a sign attached to a vehicle where the principal use of the vehicle is the transportation of people, goods or other materials.
- (b) For the purpose of this paragraph, a person who, from a location outside the municipality, carries on the business of leasing mobile signs shall be deemed

to be carrying on business in the municipality if the person locates or permits the location of his mobile signs in the municipality.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Municipal Amendment Act, 1983*.

CHAPTER 42

An Act to amend the Labour Relations Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 71a,
enacted

71a.—(1) No person, employer, employers’ organization or person acting on behalf of an employer or employers’ organization shall engage in strike-related misconduct or retain the services of a professional strike breaker and no person shall act as a professional strike breaker.

Strike-
breaking
misconduct,
etc.,
prohibited

(2) For the purposes of subsection (1),

Interpre-
tation

- (a) “professional strike breaker” means a person who is not involved in a dispute whose primary object, in the Board’s opinion, is to interfere with, obstruct, prevent, restrain or disrupt the exercise of any right under this Act in anticipation of, or during, a lawful strike or lock-out;
- (b) “strike-related misconduct” means a course of conduct of incitement, intimidation, coercion, undue influence, provocation, infiltration, surveillance or any other like course of conduct intended to interfere with, obstruct, prevent, restrain or disrupt the exercise of any right under this Act in anticipation of, or during, a lawful strike or lock-out.

(3) Nothing in this section shall be deemed to restrict or limit any right or prohibition contained in any other provision of this Act.

Other
rights not
affected

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

3.

The short title of this Act is the *Labour Relations Amendment Act, 1983*.

CHAPTER 43

An Act respecting certain Health Facilities

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “ambulance service” has the same meaning as in the *Ambulance Act*;

R.S.O. 1980,
c. 20

(b) “Board” means,

(i) in relation to an ambulance service or a private hospital, the Health Facilities Appeal Board under the *Ambulance Act*,

(ii) in relation to a nursing home, the Nursing Homes Review Board under the *Nursing Homes Act*,

R.S.O. 1980,
c. 320

(iii) in relation to a laboratory or a specimen collection centre, the Laboratory Review Board under the *Public Health Act*;

R.S.O. 1980,
c. 409

(c) “health facility” means,

(i) an ambulance service under the *Ambulance Act*,

(ii) a nursing home under the *Nursing Homes Act*,

(iii) a private hospital under the *Private Hospitals Act*,

R.S.O. 1980,
c. 389

(iv) a laboratory or a specimen collection centre under the *Public Health Act*;

(d) “laboratory” has the same meaning as in the *Public Health Act*;

(e) “licence” means a licence,

R.S.O. 1980,
c. 20

(i) under the *Ambulance Act*, to operate an ambulance service,

R.S.O. 1980,
c. 320

(ii) under the *Nursing Homes Act*, to establish, operate or maintain a nursing home,

R.S.O. 1980,
c. 389

(iii) under the *Private Hospitals Act*, to use a house as a private hospital,

R.S.O. 1980,
c. 409

(iv) under the *Public Health Act*, to establish, operate or maintain a laboratory or a specimen collection centre;

(f) “licensee” means the holder of a licence;

(g) “Minister” means the Minister of Health;

(h) “Ministry” means the Ministry of Health;

(i) “nursing home” has the same meaning as in the *Nursing Homes Act*;

(j) “operate” means carry on the activity permitted by a licence;

(k) “private hospital” has the same meaning as in the *Private Hospitals Act*;

(l) “specimen collection centre” has the same meaning as in the *Public Health Act*.

Purposes

2. The purposes of this Act are:

1. To enable the Minister to act expeditiously to prevent, eliminate or reduce harm to any person, an adverse effect on the health of any person or impairment of the safety of any person caused or likely to be caused by the physical state of a health facility or the manner of operation of a health facility.
2. To enable the Minister to act expeditiously where the conduct of a licensee or of an officer or director of a corporate licensee affords reasonable grounds for belief that the health facility is not being or is not likely to be operated with competence, honesty, integrity and concern for the health and safety of persons served by the health facility.

3.—(1) Where the Minister is of the opinion upon reasonable grounds,

Suspension
of licence
pending
correction
of defect

- (a) that the physical state of a health facility or the manner of operation of the health facility by the licensee is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person; and
- (b) that it is practicable to correct the physical state or the manner of operation, as the case may be, of the health facility so that it will not cause harm to or an adverse effect on the health of any person or impairment of the safety of any person,

the Minister by a written order may suspend the licence for the health facility until the Minister is satisfied that the physical state or the manner of operation, as the case may be, of the health facility has been so corrected.

(2) An order under subsection (1) shall state the matters that must be corrected in order to obtain the removal of the suspension of the licence for the health facility.

Contents
of order

(3) All orders under subsection (1) shall be posted within clear view at the facility and shall be available at all placement co-ordination offices.

Posting
of order

4. Where the Minister is of the opinion upon reasonable grounds that an activity carried on, or the manner of carrying on an activity, in the course of the operation of a health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person, the Minister by a written order may require the licensee,

Order to
suspend
or cease
an activity

- (a) to suspend the carrying on of the activity until the Minister is satisfied that the carrying on of the activity, or the manner of carrying on the activity, will not cause harm to or adversely affect the health of any person or impairment of the safety of any person; or
- (b) where the Minister is of the opinion that it is not practicable for the licensee or the health facility to carry on the activity without causing harm to or adversely affecting the health of any person or impairment of the safety of any person, to cease the carrying on of the activity.

Notice of
intention
to make
order or
proposal

5.—(1) The Minister shall not,

- (a) make an order suspending the licence for a health facility;
- (b) make an order requiring the suspension of an activity carried on in the course of operating a health facility;
- (c) propose to revoke the licence for a health facility; or
- (d) propose to make an order requiring a licensee to cease carrying on an activity carried on in the course of the operation of a health facility,

unless the Minister gives the licensee written notice of the Minister's intention, together with written reasons therefor.

Explanations
or represen-
tations by
licensee

(2) A notice by the Minister under subsection (1) shall inform the licensee that the Minister will consider any written explanations or representations in the matter submitted to the Minister by the licensee within fifteen days after the notice under subsection (1) is given to the licensee.

Consider-
ation by
Minister

(3) The Minister shall consider the written explanations or representations, if any, submitted by the licensee in accordance with subsection (2) before deciding whether to proceed to make an order or proposal mentioned in subsection (1).

Exception

(4) Subsections (1) to (3) do not apply where the Minister is of the opinion that it is in the best interest of the persons served by the health facility that the Minister proceed forthwith to make the order or proposal and the Minister gives notice of his opinion to the licensee.

Revocation
of licence

6. The Minister may propose to revoke the licence for a health facility where,

- (a) the physical state of the health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person and it is not practicable to correct the physical state of the health facility;
- (b) the manner of operation of the health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person and it is not practicable to correct the manner of operation of the health facility; or

- (c) the conduct of the licensee or, where the licensee is a corporation, of the corporation or an officer or director of the corporation affords reasonable grounds for belief that the health facility is not being or is not likely to be operated with competence, honesty, integrity and concern for the health and safety of persons served by the health facility.

7.—(1) Where the licence for a health facility is suspended under this Act and the Minister is of the opinion that the health facility should continue in operation in order to provide temporarily for the health and safety of persons in the community served by the health facility, the Minister by a written order may take control of and operate the health facility for a period not exceeding six months.

Order by
Minister
to take
control of
health
facility

(2) Where the Minister takes control of and operates a health facility under subsection (1), the Minister has all the powers of the licensee of the health facility and the Minister may appoint one or more persons to conduct, manage, operate and administer the health facility and each person so appointed is a representative of the Minister.

Authority
of
Minister

(3) The Board, upon application with notice by the Minister, by order may extend the period of time during which the Minister may retain control of and operate the health facility for successive periods of not more than six months each, where the Board is satisfied that a hearing or an appeal has been commenced under this Act and the proceedings have not been finally disposed of and the Minister continues to be of the opinion that the health facility should continue in operation in order to provide temporarily for the health and safety of persons in the community served by the health facility.

Extension

(4) An order under subsection (1) or (3) takes effect immediately and is final and binding on the licensee.

Direction
final and
binding

(5) An order under subsection (1) or (3) continues in force,

Term of
direction

- (a) until terminated by the Minister;
- (b) where the licence for the health facility has been suspended under this Act, until the suspension is removed; or
- (c) where the Minister has proposed under this Act to revoke the licence for the health facility, until the time for requiring a hearing or an appeal has expired or until the proceedings have been finally disposed of and, where persons are cared for in the health facility,

ty, until every person cared for in the health facility has found alternative accommodation.

Repairs

(6) The Minister may have such repairs made to a health facility that is under the control of the Minister under this section as the Minister considers necessary to prevent, eliminate or reduce harm to or an adverse effect on the health of any person or impairment of the safety of any person.

Recovery
of costs

(7) The cost of repairs under subsection (6) are a debt due by the licensee to the Crown in right of Ontario and may be recovered with costs by action in a court of competent jurisdiction.

Payment
for
services

8. The licensee of a health facility is not entitled to payment for any service that is provided by the health facility while the health facility is under the control of the Minister under this Act.

Compensation
for use of
property

9. The licensee of a health facility is entitled to reasonable compensation from the Crown for the use of property of the licensee while the health facility is under the control of the Minister under this Act.

Notice of
proposal
to revoke

10.—(1) Where the Minister proposes to revoke a licence or to require a licensee to cease carrying on an activity, the Minister shall deliver notice of his proposal, together with written reasons therefor, on the licensee.

Notice of
suspension

(2) Where the Minister by order suspends the licence for a health facility or by order requires a licensee to suspend the carrying on of an activity in a health facility, the Minister shall deliver with the order notice that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice is served on the licensee, notice in writing to the Board and to the Minister requiring a hearing, and the licensee may so require such a hearing.

Notice
requiring
hearing

(3) A notice under subsection (1) shall inform the licensee that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice under subsection (1) is served on the licensee, notice in writing requiring a hearing to the Minister and the Board, and the licensee may so require such a hearing.

Hearing

(4) Where a licensee requires a hearing in accordance with subsection (2) or (3), the Board shall appoint a time for and hold the hearing within sixty days of receipt of the notice in writing by the Board.

(5) Where the hearing is required in accordance with subsection (2), the Board, by order, may confirm, vary or rescind the order and take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations.

Powers of Board

(6) Where the hearing is required in accordance with subsection (3), the Board, by order, may direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations.

Idem

(7) For the purposes of subsections (5) and (6), the Board may substitute its opinion for that of the Minister.

Opinion of Board

(8) Where the licensee does not require a hearing in accordance with subsection (3), the Minister may carry out the proposal stated in the Minister's notice under subsection (1).

Power of Minister where no hearing

(9) The Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the licensee following upon a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Extension of time for requiring hearing

11.—(1) The Minister, the licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

Parties

(2) Notice of a hearing under this Act shall afford the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.

Notice of hearing

(3) A party to proceedings under subsection (1) shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination of documentary evidence

(4) Members of the Board holding a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Members holding hearing not to have taken part in investigation, etc.

Recording
of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only
members at
hearing to
participate
in decision

(6) No member of the Board shall participate in a decision of the Board following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to the person by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

12.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct the Minister to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

When order
comes into
force

13.—(1) Notwithstanding that a hearing is required in respect of an order under this Act by the Minister suspending the licence for a health facility or requiring the suspension of an activity carried on in the course of operating a health facility or that an appeal is taken from a decision of a Board in respect of the order, the order comes into force when it is delivered to the person to whom it is directed, is effective until varied or rescinded on appeal and is not stayed by the hearing or appeal.

(2) Where the Minister delivers to the licensee of a health facility notice of proposal to revoke the licence for the health facility, the licence is suspended at and from the time of delivery until the expiry of the time for requiring a hearing or, where a hearing is required, the final disposition of the hearing and appeal, if any, in the matter.

Effect of
notice
of proposal
to revoke

(3) Where the Minister delivers to the licensee of a health facility notice of proposal to require the cessation of an activity in the course of the operation of the health facility, the right to carry on the activity is suspended at and from the time of delivery of the notice until the expiry of the time for requiring a hearing or, where a hearing is required, the final disposition of the hearing and appeal, if any, in the matter.

Effect of
notice of
proposal
to require
cessation
of activity

14.—(1) An order, notice or document that is required or authorized to be given or delivered to a person under this Act or the regulations is sufficiently given or delivered if delivered personally or mailed to the person at his or her last address appearing in the records of the Ministry.

Delivery of
documents

(2) Delivery of an order, notice or document mentioned in subsection (1) shall not be carried out by mail until all reasonable efforts have been made to give or deliver the order, notice or document personally.

Idem

15.—(1) Every person who knowingly fails to comply with an order under this Act, and every director or officer of a corporation who knowingly concurs in such failure, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Penalty

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$100,000.

Corporation

(3) No proceeding in relation to an offence under this Act shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Minister.

Limitation

16. Notwithstanding any other remedy or any penalty, the contravention by any person of an order made under this Act may be restrained by order of a judge of the Supreme Court or a local judge of the High Court upon application without notice by the Minister.

Proceedings
to restrain
contra-
vention
of order

17. The Lieutenant Governor in Council may make regulations authorizing all such acts or things not specifically provided for in this Act as, in the opinion of the Lieutenant

Regulations
to supple-
ment Act

Governor in Council, are necessary or advisable to carry out effectively the purposes of this Act.

Conflict

R.S.O. 1980,
cc. 21, 320,
389, 409

18. The provisions of this Act are in addition to the provisions of the *Ambulance Act*, the *Nursing Homes Act*, the *Private Hospitals Act* and the *Public Health Act*, and in the event of a conflict between a provision of one of those Acts and a provision of this Act, the provision of this Act shall prevail.

Commence-
ment

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. The short title of this Act is the *Health Facilities Special Orders Act, 1983*.

CHAPTER 44

An Act to amend the
Public Service Superannuation Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

**1.—(1) Clause 20 (2) (a) of the *Public Service Superannua-* s. 20 (2) (a),
tion Act, being chapter 419 of the Revised Statutes of Ontario, re-enacted
1980, is repealed and the following substituted therefor:**

- (a) dies leaving a widow, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in subsections 14 (1) to (7) but based on the deceased's employment to the time of his death, or
 - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life and, where the widow dies leaving a child or children of the former contributor who at the date of her death is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

.

(2) Subsection 20 (8) of the said Act is repealed and the fol- s. 20 (8),
lowing substituted therefor: re-enacted

(8) Where the contributor or the person to whom a superannuation allowance or a disability allowance was being paid was a widow who died leaving a child or children, subsection (2) applies with necessary modifications to the child or children. Where deceased was a widow with children

Recommence-
ment of
allowance
to widow or
widower

2.—(1) A person whose allowance under section 20 of the said Act as the widow or widower of a contributor was terminated by the person's remarriage before the coming into force of this Act, is entitled, upon making an application signed by the person, to have the allowance recommence as of the first day of the month next following the month in which this Act comes into force.

Computation

(2) An allowance mentioned in subsection (1) shall be recommenced in an amount equal to the amount that would have been paid to the person on the first day of the month next following the month in which this Act comes into force if the allowance had not been terminated by the person's remarriage.

Continuation
of allowance
to child or
children

(3) Where an allowance became payable under section 20 of the said Act to the child or children of a former contributor upon the remarriage of the widow or widower of the former contributor before the coming into force of this Act, the child or children continue to be entitled to the allowance in the same manner as if this Act had not come into force and notwithstanding the recommencement of the allowance to the widow or widower of the former contributor.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Public Service Superannuation Amendment Act, 1983*.

Application (2) Clause 36 (1) (a) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1983.

Idem (3) Clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing after the effective date but nothing therein entitles any person to claim additional compensation for any period prior to the effective date.

Idem (4) The amounts payable under clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, do not apply to a lump sum award or to payments due prior to the effective date.

s. 36 (6), re-enacted 2.—(1) Subsection 36 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 5, is repealed and the following substituted therefor:

Payment of lump sum (6) In addition to any other compensation provided for, the widow or widower, or where the worker leaves no widow or widower, the person described in subsection (5), is entitled to a lump sum of \$1,400.

Application (2) Subsection 36 (6) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1983.

s. 42 (4), amended 3.—(1) Subsection 42 (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 30, section 3, is amended by striking out “and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection (3)” in the fifth, sixth and seventh lines.

s. 42 (6), amended (2) Subsection 42 (6) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 61, section 6, is amended by striking out “and nothing therein entitles any person to more than one adjustment of the rate of compensation under subsection (5)” in the fifth, sixth and seventh lines.

s. 42, amended (3) Section 42 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 30, section 3 and 1982, chapter 61, sections 2 and 6, is further amended by adding thereto the following subsections:

Further adjustment (7) Notwithstanding subsections (1), (3) and (5), where the worker is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding forty-eight months, the Board shall adjust the rate of compensation being paid by add-

ing thereto an additional 5 per cent of the compensation rate being paid, but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 45.

(8) Subsection (7) applies to payments accruing on and after the 1st day of July, 1983, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the forty-eight month period referred to in subsection (7). Application

4. Subsections 43 (8) and (9) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 7, are repealed and the following substituted therefor: s. 43 (8),
re-enacted;
s. 43 (9),
repealed

(8) The amounts payable under this section shall be increased if the injury occurred on or before the 30th day of June, 1983, by adding thereto a factor of 5 per cent effective the 1st day of July, 1983, but the amounts of compensation to which a worker is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 45 (1) effective on the 1st day of July, 1983, for amounts accruing on and after the 1st day of July, 1983, but this subsection does not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection (4), an award under subsection (6) or an award under clause 44 (b). Increase in
payments

5.—(1) Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 8, is repealed and the following substituted therefor: s. 44,
re-enacted

44. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured worker is entitled shall not be less than, Minimum
amount of
compen-
sation

(a) for temporary total disability,

(i) \$179 a week, where the worker's average earnings were not less than \$179 a week, from the 1st day of July, 1983, and

(ii) the amount of the worker's earnings, where the worker's average earnings are less than \$179 a week, from the 1st day of July, 1983,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

- (b) for permanent disability, the pension computed in accordance with sections 43 and 45, but the amount of such pension shall not be less than,
 - (i) for permanent total disability, \$786 a month from the 1st day of July, 1983, and
 - (ii) for permanent partial disability, an amount proportionate to that mentioned in subclause (i) in accordance with the impairment of earning capacity; or
- (c) alternatively to subclause (b) (i), for permanent total disability the benefits which would have been payable from time to time under clauses 36 (1) (c), (d) and (e) and under section 38, as if the worker had died from the injury.

Application

(2) Section 44 of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1983, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1983.

**s. 45 (1),
re-enacted**

6.—(1) Subsection 45 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 9, is repealed and the following substituted therefor:

**How average
earnings to
be computed**

(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the worker was remunerated but not so as in any case to exceed the rate of \$25,500 per annum.

Application

(2) Subsection 45 (1) of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1983, and, subject to this subsection, to benefits arising under sections 42 and 43 of the said Act, as amended by sections 3 and 4 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 43 (4), or to an award under subsection 43 (6), or to an award under clause 44 (b) of the said Act, and nothing in subsection (1) of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1983.

**s. 52 (3) (b),
re-enacted**

7.—(1) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 10, is repealed and the following substituted therefor:

- (b) on application, an allowance not exceeding \$332 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$166 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

(2) Clause 52 (3) (b) of the said Act, as re-enacted by subsection (1) of this section, applies to payments accruing on and after the 1st day of July, 1983, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1983.

Application

8. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

9. The short title of this Act is the *Workers' Compensation Amendment Act, 1983*.

Short title

CHAPTER 46

An Act to amend the Credit Unions and Caisses Populaires Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) Clause 12 (4) (d) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is amended by inserting after “funds” in the second line “and stabilization funds”. s. 12 (4) (d),
amended

(2) Section 12 of the said Act is amended by adding thereto the following subsection: s. 12,
amended

(4a) Where a league maintains a stabilization fund under clause (4) (d), any such fund shall be held in trust, maintained in a separate account from the ordinary accounts of the league, and managed independently of the other business of the league. Stabilization
fund

2. Section 45 of the said Act is amended by adding thereto the following subsection: s. 45,
amended

(4) No person shall be eligible for election or appointment as a director of a league if that person is an officer, director or employee of a credit union where, Director
of league

- (a) the credit union has liabilities exceeding its assets; or
- (b) the Ontario Share and Deposit Insurance Corporation has taken possession of the property of the credit union and is conducting the business of the credit union under the provisions of section 116.

3.—(1) Subsection 62 (1) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 62 (1),
amended

Appointment of auditors	(1) The members of a credit union shall, .
s. 62 (2), repealed	(2) Subsection 62 (2) of the said Act is repealed.
s. 69, amended	4. Section 69 of the said Act is amended by adding thereto the following subsection: (1a) No director of a credit union or any partnership or corporation from which he receives compensation shall act in a professional capacity, for compensation, in respect of business matters related to that credit union.
Where prohibited from acting	
s. 80, amended	5. Section 80 of the said Act is amended by striking out “and” at the end of clause (g) and by adding thereto the following clauses: (i) a credit union shall match the terms of investments and loans with the terms of deposits in the manner prescribed by the regulations; and (j) a credit union shall not make an investment in or loan to a corporation or partnership in which an employee of the credit union has a direct financial interest.
s. 82a, enacted	6. The said Act is amended by adding thereto the following section: 82a. Every credit union shall maintain surplus and capital in an amount totalling not less than 5 per cent of the assets of the credit union or such lesser percentage as may be set out by the Director.
Reserves	
s. 92 (1), re-enacted; s. 92 (2), repealed	7. Subsections 92 (1) and (2) of the said Act are repealed and the following substituted therefor: (1) Each credit union shall at all times maintain a reserve to an aggregate of at least 10 per cent or such greater per cent as the regulations may prescribe of the amount of deposits, shares and borrowings of the credit union in each prescribed class of deposit.
Reserve for deposits	
ss. 92a-92c, repealed	8. Sections 92a, 92b, and 92c of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 62, section 1, are repealed.
s. 97 (1), re-enacted	9. Subsection 97 (1) of the said Act is repealed and the following substituted therefor:

(1) The board of directors of the Corporation, consisting of not more than fifteen persons, shall be appointed by the Lieutenant Governor in Council and shall include one person nominated by each league and one person nominated by the credit unions who are not members of a league.

Board of directors

10. Section 101 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 62, section 5, is repealed and the following substituted therefor:

s. 101, re-enacted; s. 101a, enacted

101.—(1) The objects of the Corporation are,

Objects

- (a) to provide, for the benefit of persons having shares or deposits with credit unions in Ontario, deposit insurance against loss of part or all of such shares or deposits, by making payment to the persons to the extent and in the manner authorized by this Act;
- (b) to act as the administrator of any credit union in respect of which reserves fall below a level designated by the Director and, where necessary, to act as the liquidator of a credit union;
- (c) to provide, in its discretion, financial assistance for the purpose of assisting a league or credit union in its continued operation or in the orderly liquidation of its operations;
- (d) to collect and accumulate statistics related to credit unions and leagues as may be necessary for insurance, leagues, credit unions, and Ministry purposes, and to publish system statistics as may be appropriate.

(2) The Corporation has the power to appoint an administrator or liquidator to do any act that the Corporation may do under clause (1) (b).

Power to appoint

101a. When requested by a league or by credit unions that are not members of a league, the Corporation shall, when authorized by the Director, establish and maintain a stabilization fund for the benefit of the league or those credit unions.

Establishing fund

11. Subsection 102 (1) of the said Act is amended by adding thereto the following clauses:

s. 102 (1), amended

- (ha) advise the Director of any adverse implications of proposed new charters;

(hb) establish and maintain an insurance reserve fund to provide for the continuance or orderly liquidation of any credit union in financial difficulty.

s. 108 (1),
amended

12. Subsection 108 (1) of the said Act is amended by striking out “\$20,000” in the third line and inserting in lieu thereof “\$60,000”.

s. 109,
amended

13. Section 109 of the said Act is amended by adding thereto the following subsection:

Deposit
insurance
certificate

(4) A certificate of deposit insurance issued under subsection (3) expires one year after it is issued but may be renewed annually subject to such terms as the Corporation considers necessary to impose.

s. 111,
re-enacted

14. Section 111 of the said Act is repealed and the following substituted therefor:

Repayment
of
assessments
collected

111.—(1) Upon the establishment of an insurance reserve fund and an annual insurance premium by the Corporation, the balance of assessments held under the predecessor to this section shall be repaid to the credit unions in the manner in which the assessments were collected.

Assessment
for
stabilization
fund

(2) For the purpose of a stabilization fund established or maintained under section 101a, the Corporation may assess a credit union an amount equal to 1 per cent of its aggregate total shares and deposits at the end of each fiscal year or such other amount established by the regulations for the funding of a stabilization fund for the benefit of credit unions.

Write-off

(3) Assessments made under this section or a predecessor of this section may be treated as an expense and written off by credit unions under terms prescribed in the regulations.

Annual
premiums

(4) The Corporation shall within ninety days after the start of each calendar year establish an annual premium for each credit union, under terms prescribed by the regulations, to meet its administrative costs and insurance funding and the Corporation has the power to assess, accumulate, manage, invest, disburse and pay out of a fund created for the purpose any moneys needed to meet claims of credit unions that have received and maintained insurance standing.

s. 113,
repealed

15. Section 113 of the said Act is repealed.

s. 114 (1),
re-enacted;
s. 114 (2),
repealed

16. Subsections 114 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) For the purposes of the Corporation, the affairs of each credit union shall be audited by an auditor appointed under section 62 once each year and a report shall be forthwith transmitted by the auditor to the Corporation and the Director.

Annual
examination
of credit
unions

17. Section 115 of the said Act is repealed and the following substituted therefor:

s. 115,
re-enacted

115.—(1) The auditor examining the affairs of a credit union under section 114 shall include in his report whether or not, in his opinion, there has been any change in the circumstances of the credit union that might materially affect the financial position of the credit union and particularly, without limiting the generality of the foregoing, whether or not, in his opinion,

Contents of
examiner's
report

- (a) the assessment and premium return made by the Corporation and on which payment to the Corporation was based is correct;
- (b) the operations of the credit union are being conducted in accordance with sound business and financial practices and in the manner prescribed by the regulations; and
- (c) the credit union is in a satisfactory financial condition.

(2) Every report under this section shall state whether or not, in the opinion of the auditor, there has been a contravention of any financial provision of this Act or the regulations and shall be given to the credit union.

Idem

18. The said Act is further amended by adding thereto the following section:

s. 139a,
enacted

139a.—(1) Notwithstanding any other provision of this Act, the Director, where in his opinion the action is necessary to,

Director's
order

- (a) protect the interests of the depositors or members; or
- (b) ensure the financial security and integrity of a credit union or league,

after the credit union or league has been given an opportunity to be heard, may order specific action to be taken by the credit union or league on matters relating to business and financial practices including matters relating to stabilization funds, by-laws, mergers, bonds of association, capital and asset ratios,

statutory liquidity requirements, retained earnings and reserves requirements, permissible loans and investments and their terms and composition and the financing of such investments.

Appeal (2) An order made under subsection (1) may be appealed to the court.

Publication (3) The Director may publish the results of an order made under subsection (1) and the names of the credit unions or leagues directly affected by the order.

ss. 144a,
144b,
enacted **19.** The said Act is further amended by adding thereto the following sections:

Application
to court **144a.** Where a credit union is acting in contravention of this Act, the Director may apply to the court for an order directing compliance with the Act or such other order as the court considers fit.

Advisory
Committee **144b.** The Minister shall appoint an Advisory Committee that shall include a representative from each league and from the group of credit unions unaffiliated with a league to provide comment and advice in respect of the development of any regulation authorized under this Act and the Committee shall report to the Director.

s. 145,
amended **20.** Section 145 of the said Act is amended by adding thereto the following clauses:

(fa) respecting stabilization funds including,

- (i) prescribing the manner that funds in general or any fund in particular shall be financed and operated,
- (ii) regulating the investing and disbursing of moneys,
- (iii) regulating the provision of financial and other assistance to credit unions,
- (iv) prescribing the number of credit unions and their combined asset size necessary to establish a stabilization fund,
- (v) prescribing accounting and reporting requirements, and

- (vi) prescribing any other matters in respect thereto that the Lieutenant Governor in Council considers advisable;
- (fb) respecting the matching of terms of investments and loans with the terms of deposits;
- (fc) prescribing the rate of per cent, classes of deposits and classes of assets for the purpose of subsection 92 (1) and prescribing different rates for different classes;
- (fd) prescribing terms for the purpose of subsection 111 (3);
- (fe) prescribing the manner and form of reporting for purposes of clause 115 (1) (b);
- (ff) prescribing fees payable for approval of bonds of association and by-laws and authorizing extra-provincial registrations.

21.—(1) This Act, except section 12, comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

(2) Section 12 shall be deemed to have come into force on the 4th day of January, 1983. Idem

22. The short title of this Act is the *Credit Unions and Caisses Populaires Amendment Act, 1983*. Short title

CHAPTER 47

An Act to amend the
Expropriations Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Clause 1 (1) (b) of the *Expropriations Act*, being chapter 148 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) “Board” means the Ontario Municipal Board continued under the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347
2. Sections 28 and 32 of the said Act are repealed.

ss. 28, 32,
repealed
3. Section 33 of the said Act is amended by adding thereto the following subsection:

s. 33,
amended
- (4) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to an order or decision of the Board made under this Act.

Application
of
R.S.O. 1980,
c. 347,
ss. 94, 95
- 4.—(1) This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment
- (2) Notwithstanding section 2, the rules made by the Land Compensation Board under subsection 28 (6) of the *Expropriations Act* continue in force, with necessary modifications, and may be amended or repealed as if they had been made under section 90 of the *Ontario Municipal Board Act*.

Rules of
procedure
- (3) Where, before the coming into force of this Act, a proceeding has been commenced before the Land Compensation Board, it shall be continued before the Ontario Municipal Board.

Transition
5. The short title of this Act is the *Expropriations Amendment Act, 1983*.

Short title

CHAPTER 48

An Act to amend the Retail Sales Tax Act

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause (c) of paragraph 77 of subsection 5 (1) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is repealed and the following substituted therefor:

s. 5 (1),
par. 77,
cl. (c),
re-enacted

- (c) purchased before the 9th day of August, 1983, and delivery thereof is taken by the purchaser on or after the 11th day of May, 1983 and before the 8th day of November, 1983, and

.

2. This Act shall be deemed to have come into force on the 20th day of June, 1983.

Commence-
ment

3. The short title of this Act is the *Retail Sales Tax Amendment Act, 1983 (No. 2)*.

Short title

CHAPTER 49

An Act to amend the Executive Council Act*Assented to June 21st, 1983*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 28, section 1, is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: Portfolios

Premier and President of the Council
 Deputy Premier
 Attorney General
 Chairman of the Management Board of Cabinet
 Minister of Agriculture and Food
 Minister of Citizenship and Culture
 Minister of Colleges and Universities
 Minister of Community and Social Services
 Minister of Consumer and Commercial Relations
 Minister of Correctional Services
 Minister of Education
 Minister of Energy
 Minister of the Environment
 Minister of Government Services
 Minister of Health
 Minister of Industry and Trade
 Minister of Intergovernmental Affairs
 Minister of Labour
 Minister of Municipal Affairs and Housing
 Minister of Natural Resources
 Minister of Northern Affairs
 Minister of Revenue
 Minister of Tourism and Recreation
 Minister of Transportation and Communications
 Provincial Secretary for Justice
 Provincial Secretary for Resources Development

Provincial Secretary for Social Development
Solicitor General
Treasurer of Ontario and Minister of Economics,

and such other ministers as the Lieutenant Governor sees fit, and may by order in council prescribe their duties and the duties of any ministries over which they preside, and of the officers and clerks under their jurisdiction.

s. 3 (1-4),
re-enacted

2. Subsections 3 (1), (2), (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 28, section 2, are repealed and the following substituted therefor:

Salaries

(1) The annual salary of every minister with portfolio is \$24,432.

Additional salary for Premier

(2) The Premier and President of the Council shall receive, in addition, \$10,381 per annum.

Salary of minister without portfolio

(3) The annual salary of every minister without portfolio is \$12,268.

Salary of Parliamentary Assistant

(4) The annual salary of every Parliamentary Assistant is \$7,549.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1983.

Short title

4. The short title of this Act is the *Executive Council Amendment Act, 1983*.

CHAPTER 50

**An Act to amend the
Legislative Assembly Act**

Assented to June 21st, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1982, chapter 43, section 1, are repealed and the following substituted therefor:

s. 60 (1, 2),
re-enacted

(1) An indemnity at the rate of \$33,345 per annum shall be paid to every member of the Assembly.

Members'
indemnities

(2) An allowance for expenses at the rate of \$11,130 shall be paid to every member of the Assembly.

Members'
allowances.

2. Section 61 of the said Act is repealed and the following substituted therefor:

s. 61,
re-enacted

61. In addition to his indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,

Leaders'
allowances

- (a) to the Premier, at the rate of \$6,300 per annum;
- (b) to the Leader of the Opposition, at the rate of \$4,200 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,100 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 2, is repealed and the following substituted therefor:

s. 62 (1),
re-enacted

Indemnity
of Speaker,
Leader of
Opposition
and leader
of a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$18,035 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$24,432 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$12,268.

s. 64 (1),
re-enacted

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 3, is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and
Chairmen
of standing
committees,
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$7,549 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$5,243 per annum; and
- (c) to the chairman of each standing committee at the rate of \$4,089 per annum.

s. 65 (1),
re-enacted

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 4, is repealed and the following substituted therefor:

Whips,
indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$9,332 per annum;
- (b) to the Deputy Government Whip, at the rate of \$6,396 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$4,613 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$6,396 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$4,613 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$5,243 per annum, and

(ii) to the Party Whip of the party, at the rate of \$4,194 per annum.

6.—(1) Subsection 66 (1) of the said Act is amended by striking out “mile” in the fifth line and inserting in lieu thereof “kilometre”. s. 66 (1),
amended

(2) Subsections 66 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 5, are repealed and the following substituted therefor: s. 66 (2, 3),
re-enacted

(2) A member of the Assembly who travels on business as a member of the Assembly between the member's residence and the seat of government at Toronto shall be paid the actual and reasonable cost of transportation for such travel for such number of round trips as may be prescribed by the Board of Internal Economy. Expenses,
travel to
and from
Toronto

(3) A member referred to in subsection (2) shall be paid the actual and reasonable cost of transportation for such number of round trips between the member's residence and the seat of government at Toronto as may be prescribed by the Board of Internal Economy for the member's spouse or persons in such relationship to the member as may be prescribed by the Board of Internal Economy. Spouse
or family
member

(3) Subsection 66 (3a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 29, section 5, is repealed and the following substituted therefor: s. 66 (3a),
re-enacted

(3a) Payment for transportation under subsections (2) and (3) shall be made, Cost of transport-
ation
re subss.
(2, 3)

(a) for travel by airplane, on the basis of scheduled airline economy fare;

(b) for travel by train, on the basis of first class train accommodation together with the actual and reasonable cost of berths; and

(c) for travel by bus, on the basis of bus fare,

together with the actual and reasonable cost of meals and gratuities incurred in the course of the transportation.

s. 66 (5,6),
re-enacted

(4) Subsections 66 (5) and (6) of the said Act are repealed and the following substituted therefor:

Expenses,
travel and
accommo-
dation
within certain
electoral
districts

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost of transportation by airplane within the electoral district and the actual cost of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly, but the total amount paid to the member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses,
accommo-
dation
in unusual
or special
circum-
stances

(6) A member of the Assembly, other than the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon, may be paid such of the member's actual costs of accommodation within the electoral district represented by the member expended due to unusual or special circumstances while on business as a member of the Assembly as are approved by the Board of Internal Economy, but the total amount paid to a member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses,
business
travel

(6a) A member of the Assembly who travels on business as a member of the Assembly from the member's residence or from the seat of government at Toronto shall be paid the lesser of,

(a) the total cost incurred by the member for such number of round trip travels as may be prescribed by the Board of Internal Economy; or

(b) the annual limit prescribed by the Board of Internal Economy.

Cost of
transportation
re subs. (6a)

(6b) For the purposes of subsection (6a), the cost of transportation,

(a) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

- (b) by rented automobile shall be the cost of the rental, including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and
- (c) by private automobile shall be an allowance for every kilometre of such transportation in such amount as may be determined from time to time by the Board of Internal Economy.

7. Clause 67 (1) (a) of the said Act is amended by striking out “mile” in the fifth line and inserting in lieu thereof “kilometre”. s. 67 (1) (a),
amended

8. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 8, is repealed and the following substituted therefor: s. 69,
re-enacted

69. In addition to his indemnity as a member, an indemnity shall be paid, House
Leaders’
indemnities

- (a) to the Opposition House Leader, at the rate of \$9,332 per annum;
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$7,025 per annum.

9.—(1) Section 91 of the said Act is repealed and the following substituted therefor: s. 91,
re-enacted;
ss. 91a-91f,
enacted

91. In sections 91a to 91f, “senior officer” means the Clerk of the Legislative Assembly, the Director of Administration or the Director of the Legislative Library, Research and Information Services. Interpre-
tation

91a.—(1) The Speaker may dismiss, suspend or reprimand for misconduct an employee of the Office of the Assembly appointed by the Speaker. Discipline

(2) The Speaker may suspend or reprimand for misconduct an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly, appointed by the Lieutenant Governor in Council. Idem

(3) The Speaker may recommend to the Lieutenant Governor in Council the dismissal for misconduct of an employee of the Office of the Assembly, other than the Clerk of the Legisla- Idem

tive Assembly, appointed by the Lieutenant Governor in Council.

Recommendation to Speaker

91b.—(1) The senior officer of a division of the Office of the Assembly may recommend to the Speaker that the Speaker proceed under section 91a in respect of an employee employed in the division.

Notice of proposed recommendation

(2) The senior officer shall give to the employee written notice of the proposed recommendation and shall receive and consider the submissions, if any, of the employee before making such recommendation to the Speaker as the senior officer considers appropriate.

Notice by Speaker

91c.—(1) Before acting under section 91a in respect of an employee, the Speaker shall give to the employee written notice of the proposed action.

Content of notice

(2) A notice under subsection (1) shall inform the employee that the employee is entitled to a hearing by a hearing board if the employee gives to the Speaker, within fifteen days after the Speaker's notice is given to the employee, written notice requiring a hearing and the employee may so require such a hearing.

Referral to hearing board

91d.—(1) Where the employee requires a hearing by a hearing board in accordance with section 91c, the Speaker shall refer the matter to a hearing board.

Where hearing not required

(2) Where the employee does not require a hearing by a hearing board in accordance with section 91c, the Speaker may carry out the action proposed in the Speaker's notice given to the employee.

Composition of hearing board

91e.—(1) A hearing board shall be composed of a chairman, one member representing the Office of the Assembly and one member representing the employee who required the hearing.

Appointment of chairman

(2) The Speaker shall appoint the chairman of a hearing board after requesting and considering the views of the chairman of the Public Service Grievance Board.

Appointment of member by Speaker

(3) The Speaker shall appoint as a member of the hearing board a senior officer of the Office of the Assembly other than the senior officer of the division in which the employee is employed.

(4) The Speaker shall give written notice to the employee to appoint a member of the hearing board and the employee within ten days after receiving the notice,

Appointment
of member
by employee

(a) shall appoint as a member of the hearing board a person who has indicated his or her willingness to act; and

(b) shall give written notice to the Speaker and to the chairman of the hearing board of the name and address of the member.

(5) Where the employee fails to appoint a member of the hearing board or to give the written notice required by subsection (4) within the period of ten days mentioned in that subsection, the Speaker shall appoint as a member such person as the Speaker considers suitable, but a person who is an employee of the Office of the Assembly is not eligible for appointment under this subsection.

Where
employee
fails to
appoint
member

(6) The chairman of a hearing board and the member of the hearing board appointed by or for the employee who required the hearing by the hearing board shall be paid such remuneration and expenses on a per diem or other basis as the Board of Internal Economy may fix.

Remuneration
and expenses

(7) A hearing board shall,

Duties of
hearing
board

(a) consider the allegations, hear the evidence and ascertain the facts of the case;

(b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(c) determine whether in respect of the allegations so proved the employee is guilty of misconduct.

(8) A hearing board that determines that an employee is guilty of misconduct shall recommend to the Speaker the penalty to be imposed under section 91a.

Recommen-
dation
by hearing
board

(9) A hearing board that determines that an employee is not guilty of misconduct shall recommend to the Speaker that no penalty be imposed under section 91a.

Idem

(10) The Speaker shall carry out the recommendation of the hearing board under subsection (8) or (9).

Duty of
Speaker

(11) The following rules apply to proceedings before a hearing board:

Rules of
procedure

1. The parties to the proceedings are the Office of the Assembly and the employee whose conduct is the subject of the proceedings.
2. Each party shall afford to the other party an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
3. The chairman and members of the hearing board must not have taken part before the hearing in any investigation of the subject-matter of the hearing other than in considering the referral of the matter to the Speaker or to a hearing board.
4. The chairman and members of the hearing board shall not communicate directly or indirectly in relation to the subject-matter of the proceedings with any person or with a party or a representative of a party except upon notice to and opportunity for both parties to participate.
5. The hearing board may seek legal advice from a person who is not an adviser to a party, but the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.
6. The oral evidence taken before the hearing board shall be recorded and a party is entitled to a copy of a transcript thereof upon the same terms as in the Supreme Court.
7. The chairman or a member of the hearing board shall not participate in the decision of the hearing board pursuant to the hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.
8. The hearing board shall, upon the request of the person who produced them, release documents and things put in evidence to the person within a reasonable time after the matter has been concluded by the hearing board.

Notice

91f. A notice or document required under sections 91a to 91e is sufficiently given, served or delivered if delivered personally or by registered mail, and there is a rebuttable presumption that a notice or document sent to a person by registered mail addressed to the person at the last address of the

person in the records of the Office of the Assembly is delivered to the person on the tenth day after the day of mailing.

(2) Where a hearing has been commenced respecting the misconduct or unfitness of an employee of the Office of the Assembly before subsection (1) comes into force, section 91 of the said Act continues in force in respect of the employee as if it had not been repealed and re-enacted by subsection (1). Transition

10.—(1) This Act, except section 9, shall be deemed to have come into force on the 1st day of April, 1983. Commence-
ment

(2) Section 9 comes into force on the day this Act receives Royal Assent. Idem

11. The short title of this Act is the *Legislative Assembly Amendment Act, 1983*. Short title

CHAPTER 51

An Act to amend the Ontario Water Resources Act

Assented to November 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 (1) of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, is amended by inserting after “Ministry” in the second line “or, subject to the approval of the Lieutenant Governor in Council, such other persons”.

s. 4 (1),
amended

2.—(1) The said Act is amended by adding thereto the following sections:

ss. 42a, 42b,
enacted

AGREEMENTS

42a. A municipality or other person that has entered or that enters into an agreement under this Act with the Crown for the provision or operation of a sewage works or a water works or the provision of sewage service or water service by the Crown shall pay to the Treasurer additional charges in respect of the provision or operation in the amount calculated in accordance with the method prescribed by the regulations notwithstanding that the additional charges may not be attributable to costs incurred for the works or service.

Overhead
charges

42b.—(1) In this section, “agreement” means an agreement under subsection 7 (2) or section 8 with respect to a supply of water or the reception, treatment and disposal of sewage.

Interpre-
tation

(2) The rates of payment provided for in an agreement may be reviewed and revised annually or, where the parties to the agreement concur, more frequently.

Review and
revision
of rates

(3) The rates of payment provided for in an agreement may be stated, and the amounts due under the agreement may be calculated and billed, on the basis of the units of measurement set out in Schedule I to the *Weights and Measures Act* (Canada).

Units of
measurement

S.C. 1970-71-
72, c. 36

Billing and
payment

(4) The Crown may determine the amounts due under an agreement on an annual basis for principal, interest and operating and other costs instead of on the basis of volumes and may require payment of the amounts annually or by way of more frequent periodic payments.

Petition

(5) The provisions of an agreement that apply in respect of a petition to the Lieutenant Governor in Council in respect of a rate apply with necessary modifications in respect of an amount determined under subsection (4).

Application
of
ss. 42a, 42b

(2) Sections 42a and 42b of the said Act, as enacted by subsection (1), apply in respect of every agreement referred to in those sections notwithstanding the terms of the agreement and whether or not the agreement was made before this section comes into force.

s. 44 (1)
(k, l),
re-enacted

3.—(1) Clauses 44 (1) (k) and (l) of the said Act are repealed and the following substituted therefor:

- (k) prescribing methods of calculating additional charges for the provision or operation of a sewage works or a water works or a class of either of them or the provision of sewage service or water service or a class of either of them, and such a method may require the calculation of a charge as a percentage of direct operating costs and, for the purpose, may define direct operating costs and may prescribe the percentage;
- (l) classifying sewage works, water works, sewage services and water services for the purposes of the regulations.

s. 44 (1) (s),
re-enacted;
s. 44 (1) (t),
repealed

(2) Clauses 44 (1) (s) and (t) of the said Act are repealed and the following substituted therefor:

- (s) exempting any sewage works or water works or any class of either of them from any provision of this Act or the regulations and prescribing conditions that shall apply in respect of any such exemption.

s. 44 (1a),
amended

(3) Subsection 44 (1a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 50, section 2, is amended by adding thereto the following clauses:

- (ca) prescribing information, samples and reports that persons constructing wells shall provide during and upon completion of the constructing of the wells and specifying to whom the information, samples and reports shall be provided;

- (cb) prescribing procedures that shall be followed during and upon completion of the constructing of wells by the persons who construct the wells;
- (cc) prescribing terms that shall be deemed to be part of every contract for the construction of a well;
- (cd) prescribing and requiring the use of signs, markings and other identification of vehicles, machines and equipment used in the construction of wells.

(4) Clauses 44 (1a) (j), (k), (l), (m) and (r) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 50, section 2, are repealed and the following substituted therefor:

s. 44 (1a)
(j-m), (r),
re-enacted

- (j) prescribing the records that shall be kept and the returns of information that shall be made to the Director in respect of wells or the business of constructing wells and specifying by whom the records shall be kept and the returns shall be made, and providing for the inspection and examination of the records;
- (k) prescribing and requiring the use of methods of obtaining information to be included in records and returns of information;
- (l) respecting the examination of applicants for well contractor licences and well technician licences and renewals thereof;
- (m) prescribing requirements and standards of qualification for well contractor licences and well technician licences;
-
- (r) prescribing conditions that shall attach to well construction permits, well contractor licences and well technician licences and requiring compliance with such conditions.

(5) Section 44 of the said Act is amended by adding thereto the following subsections:

s. 44,
amended

(3a) A class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or combination thereof and may be defined to consist of or to include or exclude any specified member whether or not with the same attributes, qualities or characteristics.

Classes

.

Notice of
proposed
regulation

(5) Before the Lieutenant Governor in Council makes a regulation under clause (1) (k), the Minister shall cause notice of the proposed regulation to be published in *The Ontario Gazette*.

Comment

(6) A notice under subsection (5) shall set out the text of the proposed regulation and shall request that comments, briefs and submissions thereon be filed in writing with the Minister within sixty days after the date of publication of the notice or within such longer period as is specified by the Minister in the notice.

Recommen-
dation of
regulation

(7) Upon expiry of the period for the filing of comments, briefs and submissions, the Minister may recommend the proposed regulation to the Lieutenant Governor in Council with or without changes in the text.

Further
notice

(8) Where the Minister intends to recommend the proposed regulation with changes in the text,

- (a) the Minister need not publish a further notice under subsection (5);
- (b) the Minister shall cause notice of the changes in the text to be published in *The Ontario Gazette*; and
- (c) the Minister shall not recommend the proposed regulation to the Lieutenant Governor in Council until at least thirty days after the date of publication of the notice under clause (b).

Amending or
repealing
regulation

(9) Subsections (5) to (8) apply to a regulation that amends or repeals a regulation.

Distribution
of regulation

(10) The Minister shall cause a copy of each regulation made under clause (1) (k) to be sent to each municipality or other person with whom the Crown has an agreement for the provision or operation of a sewage works or a water works or the provision of sewage service or water service.

s. 62 (2),
re-enacted;
s. 62 (3),
repealed

4. Subsections 62 (2) and (3) of the said Act are repealed and the following substituted therefor:

Stay
on
appeal

(2) The commencement of a proceeding before the Environmental Appeal Board does not operate as a stay of an emergency order.

5.—(1) The said Act is further amended by adding thereto the following section: s. 63,
enacted

63.—(1) An applicant for a hearing by the Environmental Appeal Board shall state in the notice requiring the hearing, Contents
of notice
requiring
hearing

- (a) the portions of the order, direction, report, notice, term, condition, suspension, revocation or licence or other form of permission in respect of which the hearing is required; and
- (b) the grounds on which the applicant for the hearing intends to rely at the hearing.

(2) Except with leave of the Environmental Appeal Board, at a hearing by the Environmental Appeal Board an applicant is not entitled to appeal a portion of the order, direction, report, notice, term, condition, suspension, revocation or licence or other form of permission, or to rely on a ground, that is not stated in the applicant's notice requiring the hearing. Effect of
contents
of notice

(3) The Environmental Appeal Board may grant the leave referred to in subsection (2) where the Environmental Appeal Board is of the opinion that to do so is proper in the circumstances, and the Environmental Appeal Board may give such directions as it considers proper consequent upon the granting of the leave. Leave

(2) Section 63 of the said Act, as enacted by subsection (1), applies only in respect of a notice requiring a hearing that is served upon the Director or the Environmental Appeal Board after this section comes into force. Application
of subs. (1)

6. The said Act is further amended by adding thereto the following section: s. 64,
enacted

64.—(1) Upon application with notice by the Director, a court or other appellate tribunal before which an appeal has been commenced under this Act, in the circumstances mentioned in subsection (2), by order may remove a stay of a matter in appeal. Order
removing
stay

(2) A court or other appellate tribunal may make an order under this section where the court or other appellate tribunal is satisfied that the order is necessary or advisable to prevent or to reduce, Grounds
for order

- (a) danger to the health or safety of any person;

- (b) impairment or immediate risk of impairment of any waters or the use thereof; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

s. 65,
enacted

7.—(1) The said Act is further amended by adding thereto the following section:

Interpre-
tation

65.—(1) In this section,

- (a) “make” includes issue or give;
- (b) “order” includes direction, requirement, report or notice.

Orders

(2) The authority to make an order under this Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.

Application
of
subs. (1)

(2) Section 65 of the said Act, as enacted by subsection (1), applies in respect of every order made under the said Act whether or not the order was made before this section comes into force.

Commence-
ment

8.—(1) This Act, except subsections 3 (4) and (5), comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 3 (4) and (5) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Ontario Water Resources Amendment Act, 1983*.

CHAPTER 52

**An Act to amend the
Environmental Protection Act**

Assented to November 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (c) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end of subclause (iv) and by adding thereto the following subclauses: s. 1 (1) (c),
amended

(vi) cause loss of enjoyment of normal use of property, or

(vii) interfere with the normal conduct of business.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause: s. 1 (1),
amended

(ca) “discharge”, when used alone as a verb, includes add, deposit or emit and, when used alone as a noun, includes addition, deposit or emission.

2. The said Act is amended by adding thereto the following section: s. 1a,
enacted

1a. A contaminant that is discharged into the air within a building or structure as a result of the discharge of the same or another contaminant in another building or structure shall be deemed to be discharged into the natural environment by the owner or the person who has the charge, management or control of the contaminant discharged in the other building or structure. Secondary
discharge
within
building

3. Subsection 4 (1) of the said Act is amended by inserting after “Ministry” in the second line “or, subject to the approval of the Lieutenant Governor in Council, such other persons”. s. 4 (1),
amended

s. 13 (1),
amended

4. Subsection 13 (1) of the said Act is amended by striking out “or” at the end of clause (e) and by adding thereto the following clauses:

- (g) causes or is likely to cause loss of enjoyment of normal use of property; or
- (h) interferes or is likely to interfere with the normal conduct of business.

s. 14 (1),
amended

5. Subsection 14 (1) of the said Act is amended by striking out “or” at the end of clause (e) and by adding thereto the following clauses:

- (g) causes or is likely to cause loss of enjoyment of normal use of property; or
- (h) interferes or is likely to interfere with the normal conduct of business.

s. 17,
re-enacted

6. Section 17 of the said Act is repealed and the following substituted therefor:

Order by
Director re
preventive
measures

17.—(1) The Director, in the circumstances mentioned in subsection (2), by a written order may require a person who owns or who has management or control of an undertaking or property to do any one or more of the following:

1. To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order.
2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
3. To implement procedures specified in the order.
4. To take all steps necessary in order that procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.

Grounds
for order

(2) The Director may make an order under this section where the Director is of the opinion, upon reasonable and probable grounds,

- (a) that the nature of the undertaking or of anything on or in the property is such that if a contaminant is discharged into the natural environment from the undertaking or from or on the property, the contaminant will result or is likely to result in an effect mentioned in clause 1 (1) (c); and
- (b) that the requirements specified in the order are necessary or advisable in order,
 - (i) to prevent or reduce the risk of the discharge of the contaminant into the natural environment from the undertaking or from or on the property, or
 - (ii) to prevent, decrease or eliminate an effect mentioned in clause 1 (1) (c) that will result or that is likely to result from the discharge of the contaminant into the natural environment from the undertaking or from or on the property.

7. Section 62 of the said Act is repealed and the following substituted therefor: s. 62,
re-enacted

62. In this Part, “sewage system” means,

Interpre-
tation

- (a) a privy, a privy-vault, a holding tank or a toilet other than a toilet to which regulations made under clause 44 (2) (a) of the *Ontario Water Resources Act* apply;
- (b) a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water (other than ground water) or watercourse;
- (c) a privately-owned sewage works serving only five or fewer private residences; or
- (d) any other facility or land for the reception, treatment, transportation or disposal of sewage,

R.S.O. 1980,
c. 361

but does not include,

- (e) a sewage works to which subsection 24 (1) of the *Ontario Water Resources Act* applies;

- (f) a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;
- (g) a sewage works the main purpose of which is to drain agricultural lands;
- (h) a drainage works under the *Cemeteries Act*, the *Drainage Act*, the *Public Transportation and Highway Improvement Act* or *The Railways Act*;
- (i) plumbing as defined in the regulations under the *Ontario Water Resources Act*; or
- (j) a holding tank to which regulations made under clause 136 (3) (a) or (b) apply.

s. 63,
re-enacted

8. Section 63 of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 361

63. A sewage system that is subject to this Part is not subject to the *Ontario Water Resources Act*, except to the extent specified by the regulations.

s. 65,
re-enacted;
s. 66,
repealed

9. Sections 65 and 66 of the said Act are repealed and the following substituted therefor:

Certificate
of
approval

65.—(1) Subject to subsection (2), a person who applies in accordance with this Act and the regulations for a certificate of approval under this Part and who,

- (a) submits to the Director the plans, specifications and information required by the Director;
- (b) meets the requirements of this Part and the regulations; and
- (c) pays the fee prescribed under this Act,

is entitled to be issued the certificate of approval.

Criteria

(2) The Director may refuse to issue a certificate of approval under this Part where,

- (a) the proposed construction, establishment, operation, installation, enlargement, extension or alteration of a sewage system will not comply with this Act or the regulations;
- (b) the application therefor is incomplete;

- (c) the plans, specifications and information required by or under this Act in respect of the proposed construction, establishment, operation, installation, enlargement, extension or alteration have not been submitted or are incomplete;
- (d) the Director is of the opinion, upon reasonable and probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system,
 - (i) will create or is likely to create a nuisance,
 - (ii) will not be or is not likely to be in the public interest,
 - (iii) will result or is likely to result in a hazard to the health or safety of any person, or
 - (iv) will result or is likely to result in impairment of the quality of the natural environment for any use that can be made of it; or
- (e) any fees due are unpaid.

(3) The Director may issue a certificate of approval under this Part where the proposed construction, establishment, operation, installation, enlargement, extension or alteration of a sewage system does not comply in all respects with this Act and the regulations but the Director is of the opinion, upon reasonable and probable grounds,

Relief from
strict
compliance

- (a) that the non-compliance is for practical purposes unavoidable;
- (b) that the intent of this Part and the regulations is not offended; and
- (c) that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system,
 - (i) will not create a nuisance,
 - (ii) will not be contrary to the public interest,
 - (iii) will not result in a hazard to the health or safety of any person, and

- (iv) will not result in impairment of the quality of the natural environment for any use that can be made of it.

Terms
and
conditions

(4) The Director may alter a term or condition to which a certificate of approval under this Part is subject or may attach terms and conditions to a certificate of approval under this Part where the Director is of the opinion, upon reasonable and probable grounds, that the alteration or the terms and conditions are necessary or advisable to prevent, eliminate or ameliorate,

- (a) a nuisance;
- (b) detriment to the public interest;
- (c) a hazard to the health or safety of any person; or
- (d) impairment of the quality of the natural environment for any use that can be made of it,

that will or is likely to result from the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system.

Revocation
of term or
condition

(5) The Director may revoke a term or condition to which a certificate of approval under this Part is subject where the Director is of the opinion, upon reasonable and probable grounds, that the term or condition is not necessary in order to prevent, eliminate or ameliorate a nuisance, detriment to the public interest, a hazard to the health or safety of any person or impairment of the natural environment for any use that can be made of it.

Suspension
or
revocation

(6) The Director may suspend or revoke a certificate of approval under this Part,

- (a) where the Director is of the opinion, upon reasonable and probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system,
 - (i) will create or is likely to create a nuisance,
 - (ii) will not be or is not likely to be in the public interest,
 - (iii) will result or is likely to result in a hazard to the health or safety of any person, or

- (iv) will result or is likely to result in impairment of the quality of the natural environment for any use that can be made of it; or
- (b) where the certificate of approval was issued on mistaken or false information.

10. Subsection 67 (3) of the said Act is repealed and the following substituted therefor: s. 67 (3),
re-enacted

(3) The Director shall not issue a permit for the use or operation of a sewage system that does not comply with a certificate of approval issued in respect of the sewage system or that contravenes this Act or the regulations until the sewage system is altered so that, in the opinion of the Director, it will not create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person. Refusal
of
permit
for non-
compliance

(4) Subsection (3) does not apply where the Director is of the opinion that, in the circumstances, the use or operation of the sewage system will not create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person. Exception

(5) The Director shall not issue a permit for the use or operation of a sewage system in respect of which a certificate of approval required under this Part has not been issued if the Director is of the opinion upon reasonable and probable grounds that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person, until the sewage system or the part thereof is altered so that, in the opinion of the Director, it will not create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person. Refusal of
permit for
lack of
certificate

(6) The Director or a provincial officer may inspect a sewage system for the purposes of subsections (3), (4) and (5). Inspection

(7) Subsection (2) does not apply to prevent the closing in of part of a sewage system upon the written authorization of a provincial officer or the Director, and a provincial officer who has inspected the part of the sewage system or the Director may give such a written authorization. Authority
to close
in part
of sewage
system

11.—(1) Subsection 68 (1) of the said Act is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding thereto the following clause: s. 68 (1),
amended

- (e) constructs, establishes, installs, enlarges, extends or alters a building on or a structure on or in a parcel of land on or in which a sewage system is located, or alters a parcel of land on or in which a sewage system is located, so that the operation or effectiveness of the sewage system is impaired or is likely to be impaired.

s. 68 (2),
amended

(2) Subsection 68 (2) of the said Act is amended by striking out “Minister” in the second line and inserting in lieu thereof “Director”.

s. 69 (5),
repealed

12. Subsection 69 (5) of the said Act is repealed.

s. 70 (2)
(d) (ii),
re-enacted

13.—(1) Subclause 70 (2) (d) (ii) of the said Act is repealed and the following substituted therefor:

- (ii) with respect to applications mentioned in subsection 71 (2); or

.

s. 70,
amended

(2) Section 70 of the said Act is amended by adding thereto the following subsections:

Fees

(4) A municipality that has entered into an agreement under this section may prescribe fees or the method of calculation of fees under section 71 and for applications for certificates of approval issued by a Director designated in the agreement but a fee therefor under this subsection shall not be less than the fee therefor under the regulations.

Idem

(5) A municipality may charge fees in accordance with the regulations or subsection (4) for the purposes of section 71 and for applications for certificates of approval and permits under this Part.

Existing
agreements

(6) A municipality that has entered into an agreement under subsection (2) before this subsection comes into force has authority to carry out inspections respecting sewage systems under subclause (2) (d) (ii) and to prescribe, charge and collect fees under subsections (4) and (5) in respect thereof.

s. 71,
re-enacted

14. Section 71 of the said Act is repealed and the following substituted therefor:

Fees re
land use
applications,
interpre-
tation

71.—(1) In this section, “immediate family” means the child, son-in-law, daughter-in-law, parent, stepchild, grandchild or grandparent of an applicant or a person to whom the applicant stands in the place of a parent.

- (2) An applicant,

(a) for a consent under section 29 of the *Planning Act* or under section 52 of the *Planning Act, 1983*;

(b) for approval of a plan of subdivision under section 36 of the *Planning Act* or under section 50 of the *Planning Act, 1983*;

(c) for authorization of a minor variance under section 49 of the *Planning Act* or under section 44 of the *Planning Act, 1983*; or

(d) for an approval or exemption referred to in section 50 of the *Condominium Act*,

Where fee payable

R.S.O. 1980, c. 379
1983, c. 1

R.S.O. 1980, c. 84

shall pay to the municipality that has jurisdiction in the area where the land is situate the fee referred to in subsection 70 (5) or, where no municipality has jurisdiction under this Part in the area, shall pay to the Treasurer of Ontario a fee in accordance with the regulations.

- (3) No fee is payable under subsection (2) in respect of,

(a) in the case of an application for a consent under section 29 of the *Planning Act* or under section 52 of the *Planning Act, 1983*, each parcel of land that the applicant proposes to retain or otherwise deal with,

(i) that is more than four hectares in area,

(ii) for which a sewage works has been approved under section 24 of the *Ontario Water Resources Act*, or a predecessor of that Act, to serve the parcel of land, or

(iii) that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made;

(b) in the case of an application under section 36 of the *Planning Act* or under section 50 of the *Planning Act, 1983*,

(i) each lot that is more than four hectares in area on the proposed plan of subdivision, or

Exemption

R.S.O. 1980, c. 361

- R.S.O. 1980,
c. 361
- (ii) each lot that will be served by a sewage works in respect of which an application has been or will be made for approval or that has been approved under section 24 of the *Ontario Water Resources Act* or a predecessor of that Act;
- R.S.O. 1980,
c. 379
1983, c. 1
- (c) in the case of an application for authorization of a minor variance under section 49 of the *Planning Act* or under section 44 of the *Planning Act, 1983*, each parcel of land in respect of which the application is made for which a sewage works has been approved under section 24 of the *Ontario Water Resources Act* or a predecessor of that Act to serve the parcel of land;
- R.S.O. 1980,
c. 84
- (d) in the case of an application for an approval or exemption referred to in section 50 of the *Condominium Act*, each unit that will be served by a sewage works in respect of which an application has been or will be made for approval or that has been approved under section 24 of the *Ontario Water Resources Act*, or a predecessor of that Act; or
- (e) a parcel, lot or unit of land that is exempt by the regulations.
- Application
not to be
granted
until fee
paid
- (4) An application described in subsection (2) shall not be granted unless the person to whom the application is made is satisfied that the fee referred to in subsection (2) has been paid or that no fee is payable.
- s. 113,
amended
- 15.—(1)** Section 113 of the said Act is amended by striking out “and” at the end of clause (d) and by adding thereto the following clauses:
- (f) to monitor and record, both in the manner specified in the order, the discharge into the natural environment of the contaminant specified in the order and to report thereon to the Director;
- (g) to study and to report to the Director upon,
- (i) measures to control the discharge into the natural environment of the contaminant specified in the order,
- (ii) the effects of the discharge into the natural environment of the contaminant specified in the order,

- (iii) the natural environment into which the contaminant specified in the order is being or is likely to be discharged; and
- (h) to report to the Director in respect of fuel, materials and methods of production used and intended to be used, and the wastes that will or are likely to be generated.
- (2) The said section 113 is further amended by adding thereto the following subsection:

s. 113, amended
- (2) A person required under subsection (1) to study and to report to the Director on a matter shall report to the Director in the manner, at the times and with the information specified by the Director in the order.

Report to Director
16. Subsections 120 (5) and (6) of the said Act are repealed and the following substituted therefor:

s. 120 (5, 6), re-enacted
- (5) The Board may sit in two or more divisions simultaneously so long as a quorum of the Board is present in each division.

Board may sit in divisions
- (6) The chairman or the vice-chairman may authorize one member of the Board to hear and determine any matter and, for the purpose, the member has all the jurisdiction and powers of the Board.

One member may hear and determine matter
17. Subsection 122 (2) of the said Act is repealed and the following substituted therefor:

s. 122 (2), re-enacted
- (2) The commencement of a proceeding before the Board does not operate as a stay of a stop order or of an order to monitor, record and report that is a control order or a part of a control order.

Stay on appeal
- (3) No failure or refusal to issue, amend, vary or revoke an order is an order.

Failure or refusal to issue, etc., order
- 18.—(1) The said Act is further amended by adding thereto the following section:

s. 122a, enacted
- 122a.—(1) An applicant for a hearing by the Board shall state in the notice requiring the hearing,

Contents of notice requiring hearing
- (a) the portions of the order, direction, term, condition, suspension, revocation or licence or other form of permission in respect of which the hearing is required; and

(b) the grounds on which the applicant for the hearing intends to rely at the hearing.

Effect of contents of notice

(2) Except with leave of the Board, at a hearing by the Board an applicant is not entitled to appeal a portion of the order, direction, term, condition, suspension, revocation or licence or other form of permission, or to rely on a ground, that is not stated in the applicant’s notice requiring the hearing.

Leave by Board

(3) The Board may grant the leave referred to in subsection (2) where the Board is of the opinion that to do so is proper in the circumstances, and the Board may give such directions as the Board considers proper consequent upon the granting of the leave.

Application of subs. (1)

(2) Section 122a of the said Act, as enacted by subsection (1), applies only in respect of a notice requiring a hearing that is served upon the Director or the Environmental Appeal Board after this section comes into force.

s. 122b, enacted

19. The said Act is further amended by adding thereto the following section:

Order removing stay

122b.—(1) Upon application with notice by the Director, a court or other appellate tribunal before which an appeal has been commenced under this Act, in the circumstances mentioned in subsection (2), by order may remove a stay of a matter in appeal.

Grounds for order

(2) A court or other appellate tribunal may make an order under this section where the court or other appellate tribunal is satisfied that the order is necessary or advisable to prevent or to reduce a hazard to the health or safety of any person or to prevent or reduce impairment of the natural environment for any use that can be made of it.

s. 127, amended

20.—(1) Section 127 of the said Act is amended by adding thereto the following subsections:

Detention or removal for testing

(1a) A provincial officer may detain any thing at the place where he finds it or may remove the thing or cause it to be removed to another place until the surveys, examinations, investigations, tests and inquiries in respect of the thing that the provincial officer is authorized to make or require to be made are completed.

Application for release

(1b) Upon application with notice by the owner or the person who had the charge, management or control of a thing detained by a provincial officer, a justice of the peace may make an order for the release of the thing detained to the per-

son from whom the thing was seized where it appears that the thing detained is no longer necessary for the purpose of the administration of this Act and the regulations.

(1c) An appeal lies from an order or refusal to make an order under subsection (1b) by a justice of the peace in the same manner as an appeal from a conviction in a proceeding commenced by means of a certificate under the *Provincial Offences Act*. Appeal
R.S.O. 1980,
c. 400

(2) Subsection 127 (2) of the said Act is amended by inserting after “air” in the fourth line “or to detain or remove any thing” and by inserting after “thereon” in the sixth line “to detain or to remove any thing”. s. 127 (2),
amended

21. The said Act is further amended by adding thereto the following section: s. 134a,
enacted

134a. A municipality may enter into an agreement with the Minister under clause 3 (j) and a municipality that enters into such an agreement has all the powers necessary to carry out the agreement. Agreement
by
municipality

22. The said Act is further amended by adding thereto the following section: s. 134b,
enacted

134b.—(1) In this section, “Board” means the Ontario Labour Relations Board. Interpre-
tation

(2) No employer shall, Unjust
dismissal

(a) dismiss an employee;

(b) discipline an employee;

(c) penalize an employee; or

(d) coerce or intimidate or attempt to coerce or intimidate an employee,

because the employee has complied or may comply with,

(e) the *Environmental Assessment Act*; R.S.O. 1980,
c. 140

(f) the *Environmental Protection Act*; R.S.O. 1980,
c. 141

(g) the *Fisheries Act* (Canada); R.S.C. 1970,
c. F-14

(h) the *Ontario Water Resources Act*; or R.S.O. 1980,
c. 361

R.S.O. 1980,
c. 376

(i) the *Pesticides Act*,

or a regulation under one of those Acts or an order, term or condition, certificate of approval, licence, permit or direction under one of those Acts or because the employee has sought or may seek the enforcement of one of those Acts or a regulation under one of those Acts or has given or may give information to the Ministry or a provincial officer or has been or may be called upon to testify in a proceeding related to one of those Acts or a regulation under one of those Acts.

Complaint

(3) A person complaining of a contravention of subsection (2) may file the complaint in writing with the Board.

Where
complaint
referred to
O.L.R.B.

(4) Where a complaint is filed in writing with the Board,

(a) the Board may authorize a labour relations officer to inquire into the complaint; or

(b) the Board may inquire into the complaint.

Labour
relations
officer

(5) A labour relations officer who is authorized to inquire into the complaint shall make his inquiry forthwith and shall endeavour to effect a settlement of the matter complained of and shall report the results of his inquiry and endeavours to the Board.

Where
settlement
not reached

(6) Where the labour relations officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint.

Inquiry by
O.L.R.B.

(7) Where the Board inquires into the complaint and is satisfied that an employer has contravened subsection (2), the Board shall determine what, if anything, the employer shall do or refrain from doing with respect thereto.

Determin-
ation

(8) A determination under subsection (7) may include, but is not limited to, one or more of,

(a) an order directing the employer to cease doing the act or acts complained of;

(b) an order directing the employer to rectify the act or acts complained of; or

(c) an order directing the employer to reinstate in employment the complainant, with or without compensation, or to compensate in lieu of hiring or reinstatement for loss of earnings or other employment

benefits in an amount that may be assessed by the Board against the employer.

(9) A determination by the Board under subsection (7) applies notwithstanding a provision of an agreement.

Application

(10) On an inquiry under this section, the burden of proof that an employer did not contravene subsection (2) lies upon the employer.

Burden of proof

(11) Where there is a failure to comply with a term of the determination made under subsection (7), the complainant, after the expiration of fourteen days from the date of the release of the determination by the Board or from the date provided in the determination for compliance, whichever is later, may notify the Board in writing of the failure.

Failure to comply

(12) Where the Board receives notice in accordance with subsection (11), the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, if any, and the determination shall be entered in the same way as a judgment or order of the court and is enforceable as such.

Filing of determination

(13) Where the matter complained of has been settled, whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed, the settlement is binding and shall be complied with according to its terms, and a complaint that a settlement has not been complied with shall be deemed to be a complaint under subsection (3).

Compliance with settlement

(14) The *Labour Relations Act* and the regulations under that Act apply with necessary modifications in respect of a proceeding under subsections (2) to (13).

Application of R.S.O. 1980, c. 228

(15) For the purposes of subsections (2) to (14), an act mentioned in subsection (2) that is performed on behalf of an employer shall be deemed to be the act of the employer.

Act performed on behalf of employer

23.—(1) Subsection 136 (1) of the said Act is amended by adding thereto the following clause:

s. 136 (1), amended

(aa) requiring the persons responsible for sources of contaminants in a class of sources of contaminants to monitor, record and report to the Ministry or to the persons specified in the regulations on the sources of contaminants including, but not limited to, fuel, materials and methods of production used and intended to be used, the wastes and contaminants

that will or are likely to be generated, the natural environment that may be affected by the discharge of the contaminants and the effects of the discharge of the contaminants, and to perform and report to the Ministry on research respecting methods of reducing or preventing the generation of wastes and contaminants from the sources of contaminants.

s. 136 (5) (d),
re-enacted

(2) Clause 136 (5) (d) of the said Act is repealed and the following substituted therefor:

R.S.O. 1980,
c. 361

- (d) specifying sewage systems or classes of sewage systems that shall be subject to provisions of the *Ontario Water Resources Act*, classifying sewage systems for the purpose and specifying the provisions of that Act to which such sewage systems or classes of sewage systems shall be subject.

s. 136 (5) (i),
amended

(3) Clause 136 (5) (i) of the said Act is amended by striking out “and the fees therefor” in the first and second lines.

s. 136 (5)
(k, m),
re-enacted

(4) Clauses 136 (5) (k) and (m) of the said Act are repealed and the following substituted therefor:

- (k) prescribing fees or the method of calculation of fees and the procedure for payment under section 71 and for applications for certificates of approval, permits and licences issued by a Director;

- (m) exempting applicants referred to in section 71 from payment of fees under that section in respect of a specified parcel, lot or unit of land or in respect of a specified class or classes thereof, and classifying parcels, lots or units of land for the purpose.

s. 137 (3),
re-enacted

24. Subsection 137 (3) of the said Act is repealed and the following substituted therefor:

Classes

(3) A class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or combination thereof and may be defined to consist of or to include or exclude any specified member whether or not with the same attributes, qualities or characteristics.

s. 149,
enacted

25.—(1) The said Act is further amended by adding thereto the following section:

149. The authority to make an order under this Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and as are specified in the order.

Orders

(2) Section 149 of the said Act, as enacted by subsection (1), applies in respect of every order made under the said Act whether or not the order was made before this section comes into force.

Application
of
subs. (1)

26. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

27. The short title of this Act is the *Environmental Protection Amendment Act, 1983*.

Short title

CHAPTER 53

An Act to regulate Off-Road Vehicles

Assented to November 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “conservation officer” means a conservation officer appointed under the *Game and Fish Act* and a park warden appointed under the *Provincial Parks Act*; R.S.O. 1980,
cc. 183, 401
- (b) “highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;
- (c) “holder”, when used in relation to a permit, means the person in whose name the plate portion of a permit is issued;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “occupier” includes,
 - (i) a person who is in physical possession of the land, or
 - (ii) a person who has responsibility for and control over the condition of land or the activities there carried on, or control over persons allowed to enter the land,

notwithstanding that there is more than one occupier of the same land;

- (g) “off-road vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
 - (i) on not more than three wheels, or
 - (ii) on more than three wheels and being of a prescribed class of vehicle;
- (h) “peace officer” includes a police officer, constable, municipal law enforcement officer, conservation officer or other person employed for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of this Act;
- (i) “permit”, unless otherwise indicated, means a permit issued under section 5 consisting of a vehicle portion and a plate portion;
- (j) “prescribed” means prescribed by the regulations;
- (k) “Registrar” means the Registrar of Motor Vehicles appointed under the *Highway Traffic Act*;
- (l) “regulations” means the regulations made under this Act.

R.S.O. 1980,
c. 198

Application

2.—(1) This Act does not apply in respect of off-road vehicles being operated on a highway.

Exception

(2) Notwithstanding subsection (1), and section 7, subsection 18 (1) and subsections 44 (1), (3) to (26) and (28) to (32) of the *Highway Traffic Act*, a holder of a driver’s licence issued under section 18 of the *Highway Traffic Act* who is not contravening any provision of this Act may drive an off-road vehicle,

- (a) directly across a highway; or
- (b) on a highway, if the vehicle is designed to travel on more than two wheels, the driver is a farmer using the vehicle for agricultural purposes and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

Application

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to off-road vehicles that are exempted from section 3 of this Act by regulation.

3.—(1) No person shall drive an off-road vehicle except under the authority of a permit for the vehicle and with the number plate showing the number of the permit displayed on the vehicle in the manner prescribed.

Permit
required

(2) Every driver of an off-road vehicle shall carry the permit for it or a true copy thereof and shall surrender the permit or copy for inspection upon demand of a peace officer.

Permit to
be carried

(3) Subsection (2) does not apply to a driver of an off-road vehicle on land where the owner of the vehicle is the occupier of the land.

Exception

4. No person under the age of twelve years shall drive an off-road vehicle except on land of which the owner of the vehicle is the occupier.

Age limit for
driving

5.—(1) Subject to subsection (2), every person who,

Issuance
of permits

- (a) is the owner of an off-road vehicle;
- (b) is at least sixteen years of age; and
- (c) pays the prescribed fee,

is entitled to be issued a numbered permit from the Ministry for the vehicle in accordance with the regulations.

(2) Prior to the issuance of a permit under this section, the person to whom the application is made may require production of such documentation as is considered necessary to establish the requirements set out in subsection (1).

Permit
documen-
tation

(3) The Ministry may authorize number plates in an applicant's possession for use on an off-road vehicle.

Use of
plates

(4) The Minister may authorize any person to issue permits for off-road vehicles and may define the duties and powers of such person.

Local
issuance
of permits

(5) Where a salary is not provided for a person authorized under subsection (4), the Minister may set a fee to be retained by the person for each permit issued.

Fee for
issuing
permits

(6) The Ministry shall maintain,

Records

- (a) a numerical index record of all permits issued and in force under this section; and

- (b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued.

Regulations
re permits
and permit
numbers

(7) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and in particular,

- (a) prescribing forms for the purposes of this section and requiring their use;
- (b) respecting the issuance of permits and number plates;
- (c) governing the manner of displaying number plates on off-road vehicles;
- (d) prescribing fees for the issuance and replacement of permits and number plates and for any additional administrative proceedings arising therefrom;
- (e) respecting permits and number plates for use, on a temporary basis, on off-road vehicles in the possession of,
 - (i) manufacturers of off-road vehicles,
 - (ii) dealers in off-road vehicles, or
 - (iii) persons in the business of repairing, customizing, modifying or transporting off-road vehicles,

where the vehicles are not kept for private use or for hire and prescribing conditions under which such off-road vehicles may be operated;

- (f) prescribing requirements for the purposes of section 8.

False
statement

6.—(1) Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this Act, the regulations or the Ministry, is guilty of an offence and on conviction, in addition to any other penalty to which he may be liable, is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both.

Change of
address

(2) Where an owner changes his address as stated in an application for a permit or in a previous notice sent or filed

under this subsection, he shall, within six days, send by registered mail to or file with the Ministry notice of his new address.

7. Section 3 does not apply if the owner of the vehicle holds a permit for the vehicle issued under section 7 of the *Highway Traffic Act*, the number plate issued thereunder is displayed on the vehicle in accordance with the regulations under that Act and the permit is of such a nature that, were the vehicle driven on a highway, there would be no contravention of the *Highway Traffic Act* with respect to the permit and number plate.

Application
where permit
under
R.S.O. 1980,
c. 198

8.—(1) Where the holder of a permit ceases to be the owner of the off-road vehicle referred to in the permit, he shall,

Where
transfer of
ownership

- (a) remove his number plate from the vehicle;
- (b) on the delivery of the vehicle to the new owner, complete the transfer section of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner; and
- (c) retain the plate portion of the permit.

(2) Every person shall, within six days after becoming the owner of an off-road vehicle for which a permit has been issued, apply to the Ministry, on the form provided therefor, for a new permit for the vehicle.

Re-issue
of permit

(3) Notwithstanding subsections 3 (1) and 9 (1), a person, to whom a number plate has been issued under section 5 for a vehicle he no longer owns, may affix the number plate to a similar vehicle that he owns where he does so in accordance with the prescribed requirements.

Temporary
use of
plate

(4) Notwithstanding section 3, a person may drive an off-road vehicle during the six day period referred to in subsection (2) where he complies with the prescribed requirements.

Idem

9.—(1) Every person who,

Violations
as to
number

- (a) defaces or alters any number plate furnished by the Ministry;
- (b) uses or permits the use of a defaced or altered number plate;

- (c) without the authority of the permit holder removes a number plate from an off-road vehicle; or
- (d) uses or permits the use of any number plate upon an off-road vehicle other than a number plate authorized for use on that off-road vehicle,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500 or to imprisonment for not more than thirty days, or to both.

Property
of the
Crown

(2) Every number plate furnished by the Ministry under this Act is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

No other
number to be
exposed and
number to be
kept clean

10.—(1) The driver of an off-road vehicle shall ensure that,

- (a) no number other than that upon the number plate furnished under this Act shall be exposed on any part of an off-road vehicle in such a position or manner as to confuse the identity of the number plate; and
- (b) the number is kept free from dirt and obstruction and is so affixed that the numbers thereon are plainly visible at all times and the view thereof is not obscured by any part of the vehicle or any attachments thereto, or by the load carried.

Penalty

(2) Every person who contravenes clause (1) (b) is guilty of an offence and on conviction is liable to a fine of not less than \$5 and not more than \$10.

Improper
number

11. Where a peace officer has reason to believe that a number plate attached to an off-road vehicle or the permit carried by the driver,

- (a) was not furnished under this Act for the vehicle; or
- (b) was obtained by false pretences; or
- (c) has been defaced or altered,

the peace officer may take possession of the number plate or permit and retain it until the facts as to the use or furnishing of the number plate or permit for the off-road vehicle have been determined.

Liability
of owner

12.—(1) Where the driver of an off-road vehicle, who is not the owner thereof, is liable for damages for injury or dam-

age arising out of the operation by him of the vehicle with the consent of the owner, the owner is jointly and severally liable.

(2) Where an off-road vehicle is leased, the consent of the lessee of the vehicle to the operation or possession thereof by another person shall, for the purposes of subsection (1), be deemed to be the consent of the owner of the vehicle.

Idem

13.—(1) Subject to subsections (2) and (3), no action shall be brought against a person for the recovery of damages occasioned by an off-road vehicle after the expiration of two years from the time when the injury or damage was sustained.

Time limit for instituting civil actions

(2) Where death is caused, the action may be brought within the time limited by the *Family Law Reform Act*.

Limitation in case of death
R.S.O. 1980, c. 152

(3) This section does not apply to bar a counterclaim or third party proceedings.

Counterclaim or third party proceedings not barred

14.—(1) The owner of an off-road vehicle may be charged with and convicted of an offence under this Act, the regulations or any municipal by-law regulating, governing or prohibiting the operation of off-road vehicles, for which the driver of the off-road vehicle is subject to be charged and on conviction, the owner is liable to the penalty prescribed for the offence.

Owner may be convicted

(2) Subsection (1) does not apply where, at the time of the offence, the vehicle was in the possession of a person other than the owner without the owner's consent.

Exception

(3) Subsection (1) does not apply to an offence under subsections 15 (1) to (4).

Idem

(4) For the purposes of this Act, where a number plate issued under section 5 of this Act or section 7 of the *Highway Traffic Act* is exposed on an off-road vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without his consent, the burden of proof of which is on the permit holder.

Permit holder deemed owner
R.S.O. 1980, c. 198

15.—(1) No person shall drive an off-road vehicle unless it is insured under a motor vehicle liability policy in accordance with the *Insurance Act*.

Insurance
R.S.O. 1980, c. 218

Idem (2) No owner of an off-road vehicle shall permit it to be driven unless it is insured under a motor vehicle liability policy in accordance with the *Insurance Act*.
R.S.O. 1980, c. 218

Production of evidence of insurance (3) Every driver of an off-road vehicle who is not owner thereof shall, upon the request of a peace officer, surrender for inspection evidence that the vehicle is insured under a motor vehicle liability policy in accordance with the *Insurance Act*.

Idem (4) Every owner of an off-road vehicle that is driven on land other than land that he occupies shall, upon request of a peace officer, surrender, for inspection, within seventy-two hours after the request is made, evidence that the vehicle was insured under a motor vehicle liability policy in accordance with the *Insurance Act* at the time it was driven.

Time limit (5) Subsection (4) does not apply unless the request is made within three months after the time the vehicle was driven.

Driver offences (6) Every person, other than the owner of the vehicle involved, who,

- (a) contravenes subsection (1);
- (b) fails to surrender evidence under subsection (3) when requested to do so; or
- (c) produces false evidence when required to surrender evidence under subsection (3),

is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100.

Owner offences (7) Every person who, being the owner of an off-road vehicle, drives it in contravention of subsection (1) or permits it to be driven in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Owner offence for failure to produce evidence or producing false evidence (8) Every person who contravenes subsection (4) or who produces false evidence when required to surrender evidence under subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Exemption (9) Subsections (1), (2) and (3) do not apply where the vehicle is driven on land occupied by the owner of the vehicle.

16. Every person who drives an off-road vehicle without due care and attention or without reasonable consideration for other persons is guilty of an offence.

Careless driving

17.—(1) A peace officer may stop any person driving an off-road vehicle.

Officer may stop driver

(2) The owner or occupier of land may stop any person driving an off-road vehicle on his land.

Land owner may stop driver

(3) Every person who has been signalled to stop by a person authorized to do so under subsection (1) or (2) shall stop forthwith.

Duty to stop

(4) Every person stopped under this section or subsection 18 (1) shall, when so requested, identify himself by giving his name and address to the person who stopped him.

Driver to identify himself

(5) A peace officer who, on reasonable and probable grounds, believes that a contravention of subsection (3) or (4) has been committed, may arrest without warrant any person whom he, on reasonable and probable grounds, believes has committed the contravention.

Constable may arrest without warrant

18.—(1) Every driver of an off-road vehicle shall stop his vehicle when approached by another vehicle with a flashing red light.

Duty to stop

(2) No person, except a peace officer, shall operate an off-road vehicle that is equipped with a lamp that produces flashes of red light.

Red light on vehicle

(3) Subsection (2) does not apply to prohibit the use of vehicular hazard warning lamps commonly known as four way flashers.

Hazard warning lamps permitted

19.—(1) No person shall drive an off-road vehicle or ride on an off-road vehicle or on a conveyance towed by an off-road vehicle unless he is wearing a helmet that complies with the regulations, securely fastened under his chin with a chin strap.

Helmet

(2) This section does not apply to a person driving or riding on an off-road vehicle or on a conveyance towed by an off-road vehicle where the owner of the off-road vehicle is the occupier of the land.

Idem

Risks
willingly
assumed for
purposes of
R.S.O. 1980,
c. 322

20. Every person who enters premises on an off-road vehicle or while being towed by an off-road vehicle shall be deemed, for the purpose of subsection 4 (1) of the *Occupiers' Liability Act*, to have willingly assumed all risks where,

- (a) no fee is paid for the entry or activity of the person, other than a benefit or payment received from a government or government agency or a non-profit recreation club or association; and
- (b) the person is not being provided with living accommodation by the occupier.

Offences
and fines

21. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided for in this Act, is liable to a fine not exceeding \$300.

Evidence

22.—(1) A copy of any paper filed in the Ministry under this Act or the regulations, or any statement containing information from the records required to be kept under this Act or the regulations, purporting to be certified by the Registrar under the seal of the Ministry, shall be received in evidence in all courts without proof of the seal or signature and is *prima facie* evidence of the facts contained therein.

Signature
of
Registrar

(2) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Registrar is sufficient authentication of any such copy or statement.

Regulations

23. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of helmets referred to in section 19 and providing for and requiring the identification and marking of such helmets;
- (b) designating classes of off-road vehicles and exempting any class from all or any of the provisions of this Act or the regulations and prescribing conditions for any such exemptions;
- (c) designating areas within Ontario to which any provisions of this Act and the regulations do not apply;
- (d) providing for the payment of fees for copies of or access to any paper filed in the Ministry under this Act or the regulations, or any statement containing

information from the records of the Ministry and prescribing the amount of such fees;

- (e) classifying vehicles designed to travel on more than three wheels and designating any classes as off-road vehicles.

24. Any regulation may adopt by reference in whole or in part, with such changes as the Minister considers necessary, any code, and may require compliance with any code that is so adopted. Codes

25.—(1) This Act, except sections 3 to 11 and sections 15 to 20, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 4 to 11 and sections 16 to 20 come into force on the 1st day of February, 1984. Idem

(3) Section 3 comes into force on the 1st day of June, 1984. Idem

(4) Section 15 comes into force on the 1st day of August, 1984. Item

26. The short title of this Act is the *Off-Road Vehicles Act, 1983*. Short title

CHAPTER 54

An Act to amend the Crop Insurance Act (Ontario)

Assented to November 9th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Crop Insurance Act (Ontario)*, being chapter 104 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1,
amended

(ba) “extended coverage” means insurance against,

- (i) loss arising from the destruction in whole or in part of stands of fruit trees or perennial plants other than trees by a peril designated in the regulations, or
- (ii) loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations.

2.—(1) Clause 5 (1) (b) of the said Act is repealed and the following substituted therefor: s. 5 (1) (b),
re-enacted

(b) determining coverage and establishing values with respect to,

- (i) insurable crops,
- (ii) fruit trees and perennial plants, and
- (iii) seeding and planting,

for the purposes of any plan.

(2) Subsection 5 (3) of the said Act is repealed and the following substituted therefor: s. 5 (3),
re-enacted

(3) A plan may provide for extended coverage.

Extended
coverage

Retroactive
regulations

3. A regulation made in 1983 under section 5 of the said Act, as amended by section 2 of this Act, may provide for extended coverage retroactive to the 1st day of December, 1982.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of December, 1982.

Short title

5. The short title of this Act is the *Crop Insurance Amendment Act (Ontario), 1983*.

CHAPTER 55

An Act to amend the Employment Standards Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by inserting after “XI” in the first line “XI-A”. s. 2 (1),
amended

2. The said Act is amended by adding thereto the following Part: Part XI-A
(ss. 39a-39d),
enacted

PART XI-A

LIE DETECTOR TESTS

39a. For the purposes of this Part, Interpre-
tation

- (a) “employee” means an employee as defined in clause 1 (c) and includes an applicant for employment, a member of a police force and a person who is an applicant to be a member of a police force;
- (b) “employer” means an employer as defined in clause 1 (d) and includes a prospective employer and a police governing body;
- (c) “lie detector test” means an analysis, examination, interrogation or test taken or performed by means of or in conjunction with a device, instrument or machine, whether mechanical, electrical, electro-magnetic, electronic or otherwise, and that is taken or performed for the purpose of assessing or purporting to assess the credibility of a person.

39b.—(1) An employee has a right not to take or be asked or required to take or submit to a lie detector test. Right to
refuse test

Lie detector
test
prohibited

(2) No person shall require, request, enable or influence, directly or indirectly, an employee to take or submit to a lie detector test.

Non-
disclosure
of test
results

(3) No person shall communicate or disclose to an employer that an employee has taken a lie detector test, or communicate or disclose to an employer the results of a lie detector test.

Employment
standards
officer may
make order

39c. Where an employer contravenes a provision of this Part, an employment standards officer may order what action, if any, the employer shall take or what the employer shall refrain from doing in order to constitute compliance with this Part and may make an order to reinstate in employment or to hire the employee concerned, with or without compensation, or to compensate the employee in lieu of reinstatement or hiring for loss of earnings or other employment benefits in an amount not exceeding \$4,000 that may be assessed by the employment standards officer against the employer.

Exception

39d. Nothing in this Part shall apply so as to prevent a person from consenting to take and taking a lie detector test administered on behalf of a police force in Ontario or by a member of a police force in Ontario in the course of the investigation of an offence.

s. 50 (1),
amended

3. Subsection 50 (1) of the said Act is amended by inserting after "39" in the second line "39c".

s. 53 (2),
amended

4. Subsection 53 (2) of the said Act is amended by inserting after "39" in the second line "39c".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Employment Standards Amendment Act, 1983*.

CHAPTER 56

**An Act to amend certain Acts respecting
Regional and Metropolitan Municipalities**

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 74 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 74 (1),
re-enacted

(1) The board of commissioners of police known as the Durham Regional Board of Commissioners of Police is continued and shall consist of, Durham
Regional
Board
continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

2. Subsection 69 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 69 (1),
re-enacted

(1) The board of commissioners of police known as the Haldimand-Norfolk Regional Board of Commissioners of Police is continued and shall consist of, Haldimand-
Norfolk
Regional
Board
continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

3. Subsection 80 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 80 (1),
re-enacted

Halton
Regional
Board
continued

(1) The board of commissioners of police known as the Halton Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

s. 91 (1),
re-enacted

4. Subsection 91 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Hamilton-
Wentworth
Regional
Board
continued

(1) The board of commissioners of police known as the Hamilton-Wentworth Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

s. 117 (1),
re-enacted

5. Subsection 117 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Niagara
Regional
Board
continued

(1) The board of commissioners of police known as the Niagara Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

s. 75 (1),
re-enacted

6. Subsection 75 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Peel
Regional
Board
continued

(1) The board of commissioners of police known as the Peel Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and

- (b) three persons appointed by the Lieutenant Governor in Council.

7. Subsection 39 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 39 (1),
re-enacted

(1) The board of commissioners of police known as the Sudbury Regional Board of Commissioners of Police is continued and shall consist of, Sudbury
Regional
Board
continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

8. Subsection 110 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 110 (1),
re-enacted

(1) The board of commissioners of police known as the Waterloo Regional Board of Commissioners of Police is continued and shall consist of, Waterloo
Regional
Board
continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

9. Subsection 112 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 112 (1),
re-enacted

(1) The board of commissioners of police known as the York Regional Board of Commissioners of Police is continued and shall consist of, York
Regional
Board
continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council; and
- (b) three persons appointed by the Lieutenant Governor in Council.

10.—(1) Subsection 177 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 177 (1),
re-enacted

Composition
of
Metropolitan
Board

(1) The Board of Commissioners of Police for the Metropolitan Corporation shall be known as the Metropolitan Board of Commissioners of Police and shall be composed of,

- (a) the chairman of the Metropolitan Council;
- (b) one member of the Metropolitan Council appointed by the Metropolitan Council; and
- (c) three persons appointed by the Lieutenant Governor in Council.

s. 178,
re-enacted

(2) Section 178 of the said Act is repealed and the following substituted therefor:

Remuneration

R.S.O. 1980,
c. 381

178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Metropolitan Board appointed by the Lieutenant Governor in Council.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Regional and Metropolitan Municipalities Amendment Act, 1983*.

CHAPTER 57

An Act to amend the Police Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 8 (2) and (4) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 8 (2, 4),
re-enacted

(2) Subject to subsections (2a) and (3), the board shall consist of, Composition
of board

- (a) the head of the council; and
- (b) two persons appointed by the Lieutenant Governor in Council.

(2a) The board of a municipality, Idem

- (a) that has a population of more than 25,000 according to the last municipal census; or
- (b) whose council determines by resolution that this subsection shall apply to the municipality,

shall consist of,

- (c) the head of the council;
- (d) one person appointed by resolution of the council; and
- (e) three persons appointed by the Lieutenant Governor in Council.

.

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by Remuneration

the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of allowances to the other members of the board.

s. 8,
amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection:

Judge,
justice of
peace
ineligible

(4a) No judge or justice of the peace shall be appointed as a member of a board.

Application
of s. 8 (4a)

(3) Subsection 8 (4a) of the said Act, as enacted by subsection (2) of this section, does not apply to a judge or justice of the peace who is a member of a board on the day this Act comes into force.

Commence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Police Amendment Act, 1983*.

CHAPTER 58

An Act to amend the Assessment Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 29 (4) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed.** s. 29 (4),
repealed
- 2. Subsection 30 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 4, is repealed and the following substituted therefor:** s. 30 (1),
re-enacted

(1) Where, in respect of any parcel of land, there has been a change in any particular described in paragraphs 1 to 18 of subsection 13 (1) that is not reflected in the last assessment roll as returned, the assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person described in paragraph 2 of subsection 13 (1) who is affected by the change a notice in a form approved by the Minister showing, Notice of
assessment

- (a) the sum or sums for which such person has been assessed;
- (b) whether such person is a public or a separate school supporter; and
- (c) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate or certificates are *prima facie* proof of the delivery.

s. 55 (4),
amended

3. Subsection 55 (4) of the said Act is amended by adding at the end thereof “and to the assessment commissioner for the region in which the municipality or locality is situate”.

s. 63 (1),
amended

4. Subsection 63 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 13 and 1982, chapter 56, section 4, is further amended,

- (a) by striking out “and” at the end of clause (h);
- (b) by adding “and” at the end of clause (i); and
- (c) by striking out all that part of the subsection immediately following clause (i) and inserting in lieu thereof:
 - (j) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1983 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1982 for taxation in the year 1983 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1984 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1983 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 68,
re-enacted

5. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 6, is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 18th day of December, 1984, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1984.

s. 69,
re-enacted

6. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 7, is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1984.

7. This Act comes into force on the 1st day of December, 1983.

Commence-
ment

8. The short title of this Act is the *Assessment Amendment Act, 1983*.

Short title

CHAPTER 59

An Act to amend the Health Disciplines Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 58a,
enacted

58a.—(1) The Executive Committee, in the circumstances set out in subsection (2), by order may suspend the licence of a member or may impose such restrictions on the licence of a member as the Committee designates.

Interim order
by Executive
Committee

(2) The Executive Committee may make an order under subsection (1) where the Committee has received a report in writing by the Registrar with respect to the conduct or actions of the member, has considered the explanations and representations in writing, if any, under subsection (3) of the member and is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member.

When order
may be made

(3) No action shall be taken by the Executive Committee under subsection (1) unless the member has been given notice that the Executive Committee is considering such action, together with a copy of the report by the Registrar, and the member has been given at least two weeks in which to submit in writing to the Executive Committee any explanations or representations the member may wish to make.

Notice and
submissions

(4) Where an order is made under subsection (1), the College shall commence proceedings expeditiously before the Discipline Committee in respect of the conduct or actions, or both, of the member and shall prosecute the matter expeditiously.

Discipline
proceedings

(5) The Discipline Committee shall give precedence to and hear and determine the matter at as early a date as possible.

Priority

Application to High Court	<p>(6) A member whose licence has been suspended who is of the opinion that the College has not commenced proceedings expeditiously before the Discipline Committee or is not prosecuting the matter expeditiously as required by subsection (4) or that the Discipline Committee is not giving precedence to and hearing and determining the matter at as early a date as possible as required by subsection (5) may make application to the High Court for judicial review.</p>
Idem	<p>(7) An application under subsection (6) may be made without leave and the court shall treat the application as a case of urgency where delay is likely to involve a failure of justice and the court may give such directions as the court believes proper for expediting the proceedings mentioned in subsection (6) or may make such order as the court considers proper in the matter.</p>
Contents of order	<p>(8) An order under subsection (1),</p> <p>(a) shall be in writing;</p> <p>(b) shall state that it is made under this section; and</p> <p>(c) shall set out subsections (4) to (7).</p>
Term of order	<p>(9) An order under subsection (1) continues in force until the matter is disposed of by the Discipline Committee.</p>
When order of Discipline Committee takes effect	<p>(10) Where the Discipline Committee revokes, suspends or restricts the licence or the recognition of the specialist status of the member, the order takes effect immediately notwithstanding that an appeal is taken from the decision.</p>
Application of s. 60 (8)	<p>(11) Subsection 60 (8) does not apply in respect of an order made by the Discipline Committee in a proceeding commenced under this section.</p>
s. 64a, enacted	<p>2. The said Act is further amended by adding thereto the following section:</p>
Committee on Peer Assessment	<p>64a.—(1) The Council may establish a Committee on Peer Assessment.</p>
Duty of Committee	<p>(2) Subject to the approval of the Council, the Committee on Peer Assessment shall establish, administer and develop a peer assessment program for the assessment of the standards of practice of members in the care of patients and in the maintenance of records of the care of patients.</p>

(3) The Committee on Peer Assessment may appoint members of the College or persons licensed as medical practitioners in other jurisdictions as assessors for the purposes of a peer assessment program.

Assessors

(4) Every member whose standards of practice are the subject of an assessment as part of a peer assessment program shall co-operate fully with the Committee on Peer Assessment and with its assessors.

Co-operation
by members

(5) The co-operation required of a member includes,

Idem

- (a) permitting assessors appointed by the Committee on Peer Assessment to enter and inspect the premises where the member engages in the practice of medicine;
- (b) permitting assessors appointed by the Committee on Peer Assessment to inspect the member's records of the care of patients;
- (c) providing to the Committee on Peer Assessment or its assessors information requested by the Committee or the assessors, as the case may be, in respect of the care of patients by the member or the member's records of the care of patients;
- (d) providing the information mentioned in clause (c) in the form requested by the Committee on Peer Assessment or its assessors; and
- (e) conferring with the Committee on Peer Assessment or its assessors when requested to do so by the Committee or its assessors.

(6) A member has the right not to have information given by the member in the course of a peer assessment program used against the member in any proceeding before the Discipline Committee, except for knowingly giving false information.

Use of
information

3. Subsection 65 (1) of the said Act is amended by inserting after "section 64" in the third line and in the sixth line "or a peer assessment under section 64a".

s. 65 (1),
amended

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. The short title of this Act is the *Health Disciplines Amendment Act, 1983*.

Short title

CHAPTER 60

An Act to amend the Family Law Reform Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 30 (1) and (2) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

s. 30 (1, 2),
re-enacted

(1) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the employer of the debtor or the administrator of a pension plan of which the debtor is a member to deduct or cause to be deducted from any remuneration of or payment to the debtor due at the time the order is served on the employer or administrator, or thereafter due or accruing due, such amount as is named in the order and to pay the amounts deducted into court as they become due and payable, and section 7 of the *Wages Act* does not apply.

Attachment
of wages or
pension
payments

R.S.O. 1980,
c. 526

(2) Where an application is made to discharge, vary or suspend any term of an order for support or maintenance, the court may discharge, vary or suspend, prospectively or retroactively, any term of an order made under subsection (1) for the enforcement of that order for support or maintenance.

Variation of
attachment

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Family Law Reform Amendment Act, 1983*.

Short title

CHAPTER 61

An Act to amend the Charities Accounting Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 6a (b) of the *Charities Accounting Act*, being chapter 65 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 11, is amended by adding at the end thereof “other than an interest in land held as security for a debt”.

s. 6a (b),
amended

2. This Act shall be deemed to have come into force on the 15th day of June, 1982.

Commence-
ment

3. The short title of this Act is the *Charities Accounting Amendment Act, 1983*.

Short title

CHAPTER 62

An Act to amend the Public Vehicles Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Public Vehicles Act*, being chapter 425 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

s. 2,
amended

(3) Subsection (1) does not apply to a person transporting physically disabled passengers only in a public vehicle that is specially equipped with a lift or ramp mechanism for the boarding of physically disabled passengers.

Exception

(4) An attendant accompanying a physically disabled passenger does not preclude the application of subsection (3).

Attendant
may
accompany

2. Section 8 of the said Act is repealed and the following substituted therefor:

s. 8,
re-enacted

8.—(1) The Minister may at any time refer an operating licence to the Board where, in the opinion of the Minister, any part is ambiguous or the rights granted by the licence are uncertain and the Board may, after a hearing of the reference as required by the *Ontario Highway Transport Board Act*, amend the certificate pursuant to which the licence was issued to resolve any ambiguity or uncertainty or where the licence has been issued pursuant to more than one certificate, issue a new certificate as set out in subsection (2), and the licence shall be amended accordingly, effective on the fifth day after the day notice of the amendment is mailed by registered mail addressed to the licensee at his last known address.

Referral to
Board

R.S.O. 1980,
c. 338

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty.

Idem

- s. 10,
repealed

3. Section 10 of the said Act is repealed.
- s. 14 (2),
repealed

4. Subsection 14 (2) of the said Act is repealed.
- s. 15 (2),
amended

5. Subsection 15 (2) of the said Act is amended by striking out “for the current year” in the fifth line.
- Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.
- Short title

7. The short title of this Act is the *Public Vehicles Amendment Act, 1983*.

CHAPTER 63

An Act to amend the Highway Traffic Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (1),
par. 14,
re-enacted

14. “highway”, includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

(2) Paragraph 23 of subsection 1 (1) of the said Act is amended by striking out “the cars of electric or steam railways” in the fifth and sixth lines and inserting in lieu thereof “a street car”. s. 1 (1),
par. 23,
amended

(3) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, is further amended by adding thereto the following paragraph: s. 1 (1),
amended

36a. “street car” includes a car of an electric or steam railway;

.

(4) Paragraph 39 of subsection 1 (1) of the said Act is amended by striking out “the cars of electric or steam railways running only upon rails” in the sixth and seventh lines and inserting in lieu thereof “a street car”. s. 1 (1),
par. 39,
amended

2.—(1) Subsection 7 (3c) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor: s. 7 (3c),
re-enacted

Permit not to
be validated
or replaced
when fines
unpaid
R.S.O. 1980,
c. 400

(3c) Where a person is in default of payment of a fine imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

- (a) that permit not be validated; and
- (b) no replacing permit connected with the vehicle associated with the infraction be issued to him,

until the fine is paid.

s. 7,
amended

(2) Section 7 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2, is further amended by adding thereto the following subsection:

One permit
only

(5a) No person shall apply for, secure or retain in his possession more than one permit bearing the same plate number or describing the same vehicle.

s. 7 (14) (f),
re-enacted

(3) Clause 7 (14) (f) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor:

- (f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of,
 - (i) vehicle manufacturers, or
 - (ii) vehicle dealers,

where the vehicles are kept for sale only and prescribing conditions under which such vehicles may be operated on the highway;

- (fa) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of persons in the business of repairing, road testing, customizing, modifying or transporting vehicles where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;
- (fb) prescribing when a permit becomes valid.

s. 9 (2),
re-enacted

3.—(1) Subsection 9 (2) of the said Act is repealed and the following substituted therefor:

(2) Where an owner of a motor vehicle or a plate holder changes his name or address as set out in his application for a permit or validation of a permit or in a previous notice filed under this subsection, he shall within six days file with the Ministry notice of his new name or address.

Change of
name or
address

(2) Subsection 9 (2a) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 195, is repealed and the following substituted therefor:

s. 9 (2a),
re-enacted

(2a) Where the name or address of a lessee is on a permit and the lessee changes his name or address from the name or address shown on the permit or from that filed under this subsection, he shall within six days file with the Ministry notice of his new name or address.

Idem

(2b) A notice may be filed under subsection (2) or (2a) by forwarding it to the Ministry by registered mail.

Filing

4.—(1) Clauses 10 (1) (b) and (c) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 3, are repealed and the following substituted therefor:

s. 10 (1) (b,c),
re-enacted

(b) retain the plate portion of the permit; and

(c) on delivery of the vehicle,

(i) to the new owner, complete and sign the transfer application of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner, or

(ii) to a lessor, give the vehicle portion of the permit to the lessor.

(2) Subsection 10 (4) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 3, is repealed and the following substituted therefor:

s. 10 (4),
re-enacted

(4) Notwithstanding section 7 and clauses 12 (1) (d) and (e), a person may drive a motor vehicle or draw a trailer on a highway within six days after becoming the owner of the motor vehicle or trailer where he complies with the prescribed requirements.

Idem

5.—(1) Clauses 12 (1) (a) and (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 5, are repealed and the following substituted therefor:

s. 12 (1) (a,b),
re-enacted

- (a) defaces or alters any number plate, evidence of validation or permit;
- (b) uses or permits the use of a defaced or altered number plate, evidence of validation or permit.

s. 12 (4),
re-enacted

(2) Subsection 12 (4) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 196, is repealed and the following substituted therefor:

Property of
the Crown

(4) Every number plate, evidence of validation, permit and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

s. 14,
re-enacted

6. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 6, is repealed and the following substituted therefor:

Improper
number plate

14.—(1) Where a police officer or an officer appointed under this Act has reason to believe that,

- (a) a number plate attached to a motor vehicle or trailer,
 - (i) has not been authorized under this Act for use on that vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered;
- (b) evidence of validation of a permit displayed on a motor vehicle,
 - (i) was not furnished under this Act in respect of that motor vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered; or
- (c) a permit carried by a driver of a motor vehicle,
 - (i) was not authorized under this Act in respect of that motor vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered,

the officer may take possession of the number plate, evidence of validation or permit and retain it until the facts have been determined.

(2) Where a police officer or an officer appointed under this Act has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

Invalid cab
card

- (a) was not furnished in accordance with this Act for that motor vehicle;
- (b) has been cancelled; or
- (c) has been defaced or altered,

the officer may take possession of the card and retain it until the facts have been determined.

7.—(1) Subsection 18 (1) of the said Act is amended by striking out “by the Minister” in the fourth line and inserting in lieu thereof “under this Act”.

s. 18 (1),
amended

(2) Section 18 of the said Act is amended by adding thereto the following subsection:

s. 18,
amended

(1a) No person shall drive a street car on a highway unless he holds a driver’s licence.

Idem

(3) Subsection 18 (2) of the said Act is amended by inserting after “issue” in the first line “or may authorize any person to issue on a temporary basis”.

s. 18 (2),
amended

(4) The said section 18 is further amended by adding thereto the following subsections:

s. 18,
amended

(2a) No person authorized by the Minister under subsection (2) to issue licences may issue licences in respect of class G, L, M or R motor vehicles.

Restriction

.

(10) Every person who contravenes subsection (1) or (1a) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Penalty

8. Subsection 19 (1) of the said Act is amended by inserting after “vehicle” in the first line and in the third line “or street car”.

s. 19 (1),
amended

s. 22,
amended

9. Section 22 of the said Act is amended by inserting after “vehicle” in the third line “or street car”.

s. 23 (1),
amended

10.—(1) Subsection 23 (1) of the said Act is amended by inserting after “vehicle” in the second line “street car”.

s. 23 (2),
amended

(2) Subsection 23 (2) of the said Act is amended by inserting after “vehicle” in the second line “street car”.

s. 26 (1),
amended

11. Subsection 26 (1) of the said Act is amended by inserting after “Act” in the fourth line, in the seventh line and in the tenth line “or a street car”.

s. 35 (1),
amended

12. Subsection 35 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 4, is amended by inserting after “vehicle” in the first line “or street car”.

s. 38,
amended

13. Section 38 of the said Act is amended by inserting after “vehicles” in the third line “or of street cars”.

s. 44 (18),
amended

14. Subsection 44 (18) of the said Act is amended by striking out “\$5” in the third line and inserting in lieu thereof “\$20”.

s. 47 (1),
re-enacted

15.—(1) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Hydraulic
brake and
system fluid

(1) No person shall sell, offer for sale or install,

(a) hydraulic brake fluid; or

(b) hydraulic system mineral oil,

for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

s. 47 (2) (a),
amended

(2) Clause 47 (2) (a) of the said Act is amended by inserting after “fluid” in the second line “or hydraulic system mineral oil”.

s. 47 (2) (b),
amended

(3) Clause 47 (2) (b) of the said Act is amended by inserting after “fluid” in the second line “or hydraulic system mineral oil”.

s. 47 (3),
amended

(4) Subsection 47 (3) of the said Act is amended by adding at the end thereof “or hydraulic system mineral oil”.

16. Subsection 61 (1) of the said Act is amended by striking out “transmissions” in the sixth line and inserting in lieu thereof “effective operation”. s. 61 (1),
amended

17. Section 67 of the said Act is repealed and the following substituted therefor: s. 67,
re-enacted

67. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle, a street car or vehicles that in combination are in such a dangerous or unsafe condition as to endanger any person. Penalty for
driving
unsafe
vehicle

18. Clause 71 (d) of the said Act is amended by inserting after “certificates” in the fourth line “or vehicle inspection stickers”. s. 71 (d),
amended

19. Subsection 88 (1) of the said Act is repealed and the following substituted therefor: s. 88 (1),
re-enacted

(1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Motorcyclists
to wear
helmet

(1a) No person shall carry a passenger who is under sixteen years of age on a motorcycle on a highway unless the passenger is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Idem

20. Subsection 92 (7) of the said Act is amended by striking out “fourteen” in the third line and inserting in lieu thereof “14.65”. s. 92 (7),
amended

21. Section 109 of the said Act is amended by adding thereto the following subsection: s. 109,
amended

(15) In this section, “motor vehicle” includes street car. Interpre-
tation

22. Section 111 of the said Act is amended by inserting after “vehicle” in the second line “or street car”. s. 111,
amended

23. Section 115 of the said Act is amended by adding thereto the following subsection: s. 115,
amended

(2) In subsection (1), “vehicle” includes street car. Interpre-
tation

24.—(1) Section 116 of the said Act is amended by striking out “car of an electric railway” in the first and second lines and inserting in lieu thereof “street car”. s. 116,
amended

s. 116 (a),
amended

(2) Clause 116 (a) of the said Act is amended by striking out “car” in the second line and inserting in lieu thereof “street car”.

s. 116 (b),
amended

(3) Clause 116 (b) of the said Act is amended by inserting after “vehicle” in the eighth line “or street car”.

s. 118 (1),
amended

25. Subsection 118 (1) of the said Act is amended by striking out “car of an electric railway” in the first and second lines and inserting in lieu thereof “street car”.

s. 119 (1),
re-enacted

26. Subsection 119 (1) of the said Act is repealed and the following substituted therefor:

Right of way
on entering
highway from
private road

(1) The driver or operator of a vehicle or street car about to enter or cross a highway from a private road or driveway shall yield the right of way to all traffic approaching on the highway.

s. 122,
amended

27. Section 122 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

(8) For the purposes of subsections (1) and (7), “vehicle” includes a street car equipped with turn signals or brake lights, as the case may be.

s. 124 (3),
amended

28.—(1) Subsection 124 (3) of the said Act is amended by striking out “car of an electric railway” in the second and third lines and inserting in lieu thereof “street car”.

s. 124 (4),
amended

(2) Subsection 124 (4) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”.

s. 124 (5),
amended

(3) Subsection 124 (5) of the said Act is amended by striking out “car of an electric railway” in the second and third lines and inserting in lieu thereof “street car”.

s. 124 (7),
amended

(4) Subsection 124 (7) of the said Act is amended by striking out “car of an electric railway” in the second and third lines and inserting in lieu thereof “street car”.

s. 124 (8),
amended

(5) Subsection 124 (8) of the said Act is amended,

(a) by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”; and

(b) by inserting after “vehicle” in the fifteenth line “or street car”.

(6) Subsection 124 (9) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”. s. 124 (9),
amended

(7) Subsection 124 (10) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”. s. 124 (10),
amended

(8) Subsection 124 (11) of the said Act is amended by striking out “car of an electric railway” in the third and fourth lines and inserting in lieu thereof “street car”. s. 124 (11),
amended

(9) Subsection 124 (12) of the said Act is amended by striking out “car of an electric railway” in the second line and inserting in lieu thereof “street car”. s. 124 (12),
amended

(10) Subsection 124 (13) of the said Act is amended by inserting after “vehicle” in the fourth line “or street car”. s. 124 (13),
amended

(11) Subsection 124 (17) of the said Act is amended, s. 124 (17),
amended

(a) by adding at the end of clause (a) “or street cars”;
and

(b) by adding at the end of clause (c) “or street cars”.

29.—(1) Subsection 124a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16, is amended by inserting after “vehicle” in the second line “or street car”. s. 124a (1),
amended

(2) Subsection 124a (2) of the said Act is amended by inserting after “vehicle” in the second line “or street car”. s. 124a (2),
amended

30.—(1) Subsection 125 (2) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”. s. 125 (2),
amended

(2) Subsection 125 (3) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”. s. 125 (3),
amended

(3) Subsection 125 (4) of the said Act is amended by striking out “car of an electric railway” in the third line and inserting in lieu thereof “street car”. s. 125 (4),
amended

31. Section 132 of the said Act is amended by inserting after “vehicles” in the third line “and street cars”. s. 132,
amended

s. 136 (1),
amended

32. Subsection 136 (1) of the said Act is amended by inserting after “vehicle” in the first line and in the second line “or street car”.

s. 147 (5),
amended

33.—(1) Subsection 147 (5) of the said Act is amended by striking out “constable” in the first line and inserting in lieu thereof “police officer, police cadet, municipal law enforcement officer”.

s. 147 (13),
amended

(2) Subsection 147 (13) of the said Act is amended by striking out “constable” in the first line and inserting in lieu thereof “police officer, police cadet, municipal law enforcement officer”.

s. 151 (5),
amended

34.—(1) Subsection 151 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after “vehicle” in the first line and in the third line “or street car”.

s. 151 (5a),
amended

(2) Subsection 151 (5a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after “vehicle” in the first line and in the third line “or street car”.

s. 152 (3),
amended

35. Subsection 152 (3) of the said Act is amended by inserting after “vehicle” in the second line “or street car”.

s. 158 (2),
amended

36. Subsection 158 (2) of the said Act is amended by inserting after “vehicle” in the first line “or street car”.

s. 166 (1),
amended

37. Subsection 166 (1) of the said Act is amended by inserting after “vehicle” in the first line, in the third line, in the fourth line and in the sixth line “or street car”.

s. 167 (2),
re-enacted

38. Subsection 167 (2) of the said Act is repealed and the following substituted therefor:

Application

(2) This section does not apply in cases of a collision between motor vehicles or to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Interpre-
tation

(3) In this section, “motor vehicle” includes street car.

s. 172 (1),
amended

39. Subsection 172 (1) of the said Act is amended by inserting after “vehicle” in the seventh line “or street car”.

s. 173 (1),
amended

40. Subsection 173 (1) of the said Act is amended by inserting after “vehicle” in the first line “or street car”.

41. Subsection 174 (1) of the said Act is amended by striking out “car of an electric railway” in the second and third lines and inserting in lieu thereof “street car”. s. 174 (1),
amended

42. Section 175 of the said Act is amended by striking out “or constable or to the Registrar” in the sixth and seventh lines. s. 175,
amended

43.—(1) Subsection 181 (2) of the said Act is amended by striking out “145, 148, 151, 158 or 173” in the third and fourth lines and inserting in lieu thereof “146, 148, 151, 152, 158 or 173”. s. 181 (2),
amended

(2) Section 181 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 12, is further amended by adding thereto the following subsection: s. 181,
amended

(4) For the purposes of this Act, where a number plate issued under section 7 is exposed on a vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without his consent, the burden of proof of which is on the permit holder. Exposing
number plate

44. Subsection 184 (1) of the said Act is amended by inserting after “vehicle” in the fifth line “or street car”. s. 184 (1),
amended

45. Subsection 188 (1) of the said Act is amended by striking out “\$20 and not more than \$100” in the fourth and fifth lines and inserting in lieu thereof “\$40 and not more than \$200”. s. 188 (1),
amended

46. Subsection 190 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 20 and 1981, chapter 72, section 3, is repealed and the following substituted therefor: s. 190 (2),
re-enacted

(2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1), subsection 12 (1), subsection 13 (1), subsection 19 (2), subsection 30 (2) or (3), section 33, 35, 111, 148 or 160, subsection 161 (3), clause 174 (1) (a) or subsection 189a (1) has been committed, may arrest, without warrant, the person he believes committed the contravention. Arrests
without
warrant

47. Subsection 191 (1) of the said Act is amended by striking out “section 27” in the second line and inserting in lieu thereof “section 35”. s. 191 (1),
amended

Commence-
ment

48. This Act comes into force on the day it receives Royal Assent.

Short title

49. The short title of this Act is the *Highway Traffic Amendment Act, 1983*.

CHAPTER 64

An Act respecting Central Trust Company and Crown Trust Company

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purpose of this Act is to provide for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined. Purpose

2. Nothing in this Act affects the rights of any person having a claim against Crown Trust Company in respect of a document or trust to which section 4 applies, or impairs, modifies or affects the liability of Crown Trust Company to any such person, but all such rights as may be enforceable in Ontario may be asserted against Central Trust Company, which shall be responsible for all debts, liabilities, and obligations of Crown Trust Company in respect of every such document and trust. Rights of
third parties

3.—(1) This Act does not apply to, Non-
application

- (a) real or personal property owned or held by, vested in, or granted to Crown Trust Company, and that is held by Crown Trust Company exclusively for its own use and benefit, and not in trust for or for the benefit of any other person or purpose;
- (b) real or personal property that is held by Crown Trust Company under a document or trust to which section 4 applies that is situate outside Ontario, and any power, right, immunity, privilege, or right of action that may be exercised by or against Crown Trust Company under any such document or trust with respect to that property, but,

(i) for all property situate outside Ontario for which Crown Trust Company has been appointed, or is entitled to be appointed, by a court of Ontario, as personal representative of a deceased person, whether as executor, administrator or otherwise, Central Trust Company may, upon application to that court, be appointed personal representative in the place and stead of Crown Trust Company with respect to that property, and

(ii) for all property situate outside Ontario not coming within subclause (i), but held by Crown Trust Company under a document or trust to which section 4 applies, for which the Supreme Court of Ontario has jurisdiction under section 5 of the *Trustee Act* to make an order for the appointment of a new trustee, Central Trust Company may, upon application to the Supreme Court, be appointed trustee in the place and stead of Crown Trust Company with respect to that property, and such appointment has for all purposes of the laws of Ontario the same effect as if made under section 5 of the *Trustee Act*,

and sections 1, 2, 6 and 8 of this Act apply to every document and trust in respect of which an appointment is made under subclause (i) or (ii); or

(c) trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any such guaranteed investment of which Crown Trust Company is trustee.

Exception

(2) Notwithstanding clause (1) (c), this Act applies to trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any registered retirement savings plan, registered retirement income fund, registered home ownership savings plan, deferred profit-sharing plan or income averaging annuity contract, as those terms are defined in the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

Substitution
confirmed,
application
1983, c. 7

(3) The substitution of Central Trust Company for Crown Trust Company made before this Act comes into force under the *Crown Trust Company Act, 1983* in or in respect of documents and trusts mentioned in subsection 4 (1) is hereby confirmed and sections 1 and 2, subsection (2) of this section, subsection 4 (2) and sections 5 to 8 of this Act apply thereto as if the substitution had been effected by subsection 4 (1).

4.—(1) Subject to section 3, Central Trust Company is substituted in the place and stead of Crown Trust Company in or in respect of every trust, trust deed, trust agreement, instrument of creation, settlement, assignment, will, codicil or other testamentary document, and every letters probate, letters of administration, judgment, decree, order, direction, or appointment of any court, judge or other constituted authority, and every other document or trust howsoever created, including every incomplete or inchoate trust, and in every conveyance, mortgage, assignment, appointment or other writing, wherein or whereby, or of which Crown Trust Company is named as executor, administrator, trustee, bailee, committee, assignee, liquidator, receiver, guardian, curator or agent, or is named to any other office or position whatsoever wherein any property, interest, possibility, or right is vested in, administered or managed by, or put in charge of Crown Trust Company in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any person or purpose, and every such document and trust shall be construed and given effect as if Central Trust Company had been named therein in the place and stead of Crown Trust Company.

Substituted
fiduciary

(2) Where an instrument specified or described in subsection (1) names Crown Trust Company to any office or position described in that subsection and the instrument takes effect after the substitution of Central Trust Company for Crown Trust Company, Central Trust Company shall be deemed to be named therein in the place of Crown Trust Company.

Idem

5.—(1) Subject to section 3, all real and personal property and every interest therein that is granted to, or held by, or vested in Crown Trust Company, whether by way of security or otherwise, in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any other person or purpose, pursuant to or in respect of every document and trust to which section 4 applies, and whether in the form in which it was originally acquired by Crown Trust Company or otherwise, is vested in Central Trust Company, according to the tenor of and at the time indicated or intended by the document or trust, upon the same trusts, and with the same powers, rights, immunities, and privileges, and subject to the same obligations and duties as are thereby provided, granted or imposed.

Real and
personal
property held
in trust by
Crown Trust
Company

(2) Subject to section 7, for the purposes of every Act affecting the title to property, both real and personal, the vesting of title in Central Trust Company of every property affected by subsection (1) is effective without the registration or filing of this Act, or any further or other instrument, document or certi-

Registration
of Act not
required

ificate showing the change of title in any public office whatsoever within the jurisdiction of the Province of Ontario.

Legal
proceedings

6.—(1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being exercised by or against Crown Trust Company in any court of Ontario, or before any tribunal or agency of the Province of Ontario, pursuant to or in respect of a document or trust to which section 4 applies, shall be discontinued or abated on account of this Act, but may be continued in the name of Central Trust Company, which shall have the same rights, shall be subject to the same liabilities, and shall pay or receive the same costs and award as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of Central Trust Company.

Idem

(2) A suit, action, appeal, application or other proceeding, or a power, right, remedy or right of distress that might have been brought or exercised by or against Crown Trust Company pursuant to or in respect of a document or trust to which section 4 applies, may be brought or exercised by or against Central Trust Company, which shall have the same rights, and shall be subject to the same liabilities, in respect thereof, as those which Crown Trust Company would have or be subject to if this Act had not been enacted.

Idem

(3) In a suit, action, appeal, application or other proceeding that has been continued or commenced in the name of Central Trust Company under subsection (1) or (2), Crown Trust Company and its officers and employees shall be deemed to have been acting on behalf of Central Trust Company in performing any act, whether before or after the commencement of this Act, involving the administration of a document or trust to which section 4 applies, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Crown Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Notice

7.—(1) Where a person is under an obligation to make payments in relation to property that is vested in Central Trust Company under subsection 5 (1), the person may make the payments to Crown Trust Company until Central Trust Company gives or causes to be given notice in writing to the person that payment shall be made to Central Trust Company, and thereupon the person's obligation is owed to Central Trust Company.

Instruments
dealing with
property

(2) Every instrument dealing with property that is vested in Central Trust Company under subsection 5 (1), but that is reg-

istered in the name of Crown Trust Company in any public office of the Province of Ontario or in respect of which Crown Trust Company is shown by a document of title as having legal ownership thereof, shall be executed by Central Trust Company and shall contain a recital referring to the vesting under this Act.

(3) An instrument executed by Central Trust Company containing the recital required by subsection (2) may be accepted for registration by any public office within the jurisdiction of the Province of Ontario without further proof of the accuracy of the recital, and every such instrument shall be deemed to be effective as against Crown Trust Company and Central Trust Company in passing title to the property described in the instrument notwithstanding any inaccuracy contained in the recital. Idem

(4) For purposes of the *Personal Property Security Act* it is sufficient, in order to show the vesting in Central Trust Company under subsection 5 (1) of any interest in personal property that constitutes a security interest within the meaning of that Act and for which Crown Trust Company is shown as the secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of the vesting as if Crown Trust Company had assigned its interest to Central Trust Company. Security interests in personal property
R.S.O. 1980, c. 375

8. Where there is an inconsistency between any provision of this Act and any provision of the *Crown Trust Company Act, 1983*, the provision of this Act prevails to the extent of the inconsistency. Conflict
1983, c. 7

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. The short title of this Act is the *Central Trust Company Act, 1983*. Short title

CHAPTER 65

**An Act to amend the
District Municipality of Muskoka Act**

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 15 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line. s. 15 (1),
amended

(2) Subsection 15 (2) of the said Act is amended by striking out “64” in the first line. s. 15 (2),
amended

2. Subsection 17 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the District Council may by by-law establish”. s. 17 (1),
amended

3. Subsection 24 (14) of the said Act is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 24 (14),
amended

4. Subsection 73 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 9, is repealed and the following substituted therefor: s. 73 (2),
re-enacted

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the District Council considers necessary. Allowances
to be made in
estimates

5.—(1) Subsection 88 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 88 (22),
amended

s. 88 (45) (b),
amended

(2) Clause 88 (45) (b) of the said Act is amended by striking out “5” in the sixth line and inserting in lieu thereof “8”.

s. 108 (1),
re-enacted

6.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 12, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 104a, 105, 106, 113, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

s. 108 (2),
re-enacted

(2) Subsection 108 (2) of the said Act is repealed and the following substituted therefor:

Exceptions
R.S.O. 1980,
c. 302

(2) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality.

s. 109,
repealed

7. Section 109 of the said Act is repealed.

s. 116 (1),
amended

8. Subsection 116 (1) of the said Act is amended by striking out “35” in the second line and inserting in lieu thereof “26”.

Commence-
ment

9.—(1) This Act, except sections 2 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

10. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1983*.

CHAPTER 66

An Act to amend the County of Oxford Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 (2) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed. s. 8 (2),
repealed

- 2.—(1) Subsection 18 (1) of the said Act is amended by striking out “63” in the first line. s. 18 (1),
amended

- (2) Subsection 18 (2) of the said Act is amended by striking out “64” in the first line. s. 18 (2),
amended

3. Subsection 20 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix” in the ninth and tenth lines and inserting in lieu thereof “at such rate as the County Council may by by-law establish”. s. 20 (1),
amended

4. Subsection 85 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 6, is repealed and the following substituted therefor: s. 85 (2),
re-enacted
 - (2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the County Council considers necessary. Allowances
to be made in
estimates

- 5.—(1) Subsection 98 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 98 (22),
amended

- (2) Clause 98 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 98 (45) (b),
amended

- 6.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 10, is repealed and the following substituted therefor: s. 117 (1),
re-enacted

Application
of
R.S.O.1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3) and section 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County.

s. 117 (2),
re-enacted

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

Exceptions
R.S.O.1980,
c. 302

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 118,
repealed

7. Section 118 of the said Act is repealed.

Commence-
ment

8.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. The short title of this Act is the *County of Oxford Amendment Act, 1983*.

CHAPTER 67

An Act to regulate Conveyances of Dwelling
Units in Residential Complexes

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,

Interpre-
tation

(a) “advertise for sale” includes making oral representa-
tions;

(b) “interest” includes a security;

(c) “prescribed” means prescribed by regulations;

(d) “regulations” means regulations made under this
Act;

(e) “residential complex” means a building or related
group of buildings situated in Ontario in which more
than six dwelling units are located and a mobile
home park as defined in Part IV of the *Landlord and
Tenant Act*;

(f) “security” means a security within the meaning of
the *Securities Act*.

R.S.O. 1980,
c. 232

R.S.O. 1980,
c. 466
- 2.—(1) No person shall sell or offer to sell, an interest in
respect of a residential complex to a purchaser who is led to
believe,

Sale of
interest in
residential
complex
prohibited

(a) that, along with the interest, he is acquiring the pres-
ent or future right to occupy a dwelling unit in the
residential complex; or

(b) that he is acquiring exclusive ownership of a dwelling
unit in the residential complex if that is not the case.

Advertising
prohibited

(2) No person shall advertise, by any means, an interest for sale that would, if the sale were completed, be in contravention of subsection (1).

Acting as
agent
prohibited

(3) No person shall knowingly act in a transaction that would be in contravention of subsection (1) or (2) as an agent for the person who sells the interest, makes the offer or instigates the advertisement.

Interpre-
tation

(4) For the purpose of subsection (1), a person shall be deemed to be led to believe that he is acquiring the right to occupy a dwelling unit where he is led, expressly or by implication, by written or oral statements, to understand that he may occupy or acquire the right to occupy a dwelling unit.

Idem

(5) A person is not in contravention of subsection (1) simply because he sets out a clear, accurate, written statement of law in respect of the right to occupy the unit.

Exemptions

3. This Act does not apply to a sale, offer to sell or advertisement for sale of,

(a) an interest in a residential complex to a purchaser who acquires or will acquire the right to occupy a dwelling unit that,

(i) the vendor occupies, or

(ii) is exempted by the regulations;

R.S.O. 1980,
c. 84

(b) a unit or proposed unit as defined in the *Condominium Act*; or

R.S.O. 1980,
c. 91

(c) a security issued by a corporation to which the *Co-operative Corporations Act* applies.

Transaction
voidable and
vendor liable
for damages

4. Every offer to purchase or agreement of purchase that is in contravention of subsection 2 (1) is voidable, up to the time the transaction is complete, at the option of the purchaser and the purchaser, whether he exercises his option or not, may claim damages from the vendor or any person who acted in the transaction as agent for the vendor in contravention of section 2.

Penalty

5.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year or, to both, or, if such person is a corporation, to a fine of not more than \$100,000.

(2) Where a corporation is guilty of an offence under this Act, every director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Idem

6.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing classes of dwelling units;
- (b) exempting any dwelling unit or class of dwelling units from any provision of this Act; and
- (c) prescribing conditions attaching to any exemption.

(2) Any exemption made under subsection (1) may be limited as to time or place, or both, and may exclude any place from the application of the exemption and may be subject to prescribed conditions.

Scope of regulation

(3) Any class prescribed under subsection (1) may be defined with respect to any attribute, quality or characteristic or combination thereof.

Classes

7. Section 60 of the *Condominium Act* is repealed.

R.S.O. 1980, c. 84, s. 60, repealed

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

9. The short title of this Act is the *Residential Complex Sales Representation Act, 1983*.

Short title

CHAPTER 68

An Act to amend the Wages Act

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of the *Wages Act*, being chapter 526 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 7,
re-enacted

7.—(1) For the purposes of this section, “wages” does not include an amount that an employer is required by law to deduct from wages.

Net wages
subject to
garnishment

(2) Subject to subsection (3), 80 per cent of a person’s wages are exempt from seizure or garnishment.

Exemption
from seizure
or
garnishment

(3) Fifty per cent of a person’s wages are exempt from seizure or garnishment in the enforcement of an order for support or maintenance enforceable in Ontario.

Idem,
support or
maintenance

(4) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person’s wages is issued may, on motion by the creditor on notice to the person, order that the exemption set out in subsection (2) or (3) be decreased, if the judge is satisfied that it is just to do so, having regard to the nature of the debt owed to the creditor, the person’s financial circumstances and any other matter the judge considers relevant.

Judge may
decrease
exemption

(5) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person’s wages is issued may, on motion by the person on notice to the creditor, order that the exemption set out in subsection (2) or (3) be increased, if the judge is satisfied that it is just to do so, having regard to the person’s financial circumstances and any other matter the judge considers relevant.

Judge may
increase
exemption

(6) Where an employer receives notice of a motion under subsection (4) or (5), the employer may pay into court the part of the person’s wages that is not exempt from seizure or gar-

Employer
may
pay into
court

nishment under subsection (2) or (3), as the case may be, and the judge on the hearing of the motion may make such order for payment out of court as is just.

Wage
assignments

(7) Subject to subsection (8), an assignment of wages or any part of them to secure payment of a debt is invalid.

Idem,
credit unions
R.S.O.1980,
c. 102

(8) A person may assign to a credit union to which the *Credit Unions and Caisses Populaires Act* applies the part of the person's wages that does not exceed the part that may be seized or garnished under this section.

Application
of s. 7 (2, 3)

(2) Subsections 7 (2) and (3) of the said Act, as re-enacted by subsection (1), apply where a seizure of wages under a writ of execution is made by the sheriff or bailiff, or a notice of garnishment is served on an employer, on or after the day this section comes into force.

ss. 8, 9,
repealed

2. Sections 8 and 9 of the said Act are repealed.

Commence-
ment

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Wages Amendment Act, 1983*.

CHAPTER 69

An Act to amend the
Residential Complexes Financing
Costs Restraint Act, 1982

Assented to December 2nd, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) Subsection 7 (1) of the *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59, is repealed and the following substituted therefor: s. 7 (1),
re-enacted

(1) This Act is repealed on the 31st day of December, 1984. Repeal

(2) Subsection 7 (2) of the said Act is amended by striking out “1983” in the fourth line and inserting in lieu thereof “1984”. s. 7 (2),
amended

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Residential Complexes Financing Costs Restraint Amendment Act, 1983*. Short title

CHAPTER 70

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “administrator” in relation to a group compensation plan, means,
 - (i) where the group compensation plan is administered by an employer, the employer,
 - (ii) where the group compensation plan is administered by a person other than an employer, that person, and
 - (iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;
- (b) “Board” means the Inflation Restraint Board constituted under the *Inflation Restraint Act, 1982*;
- (c) “collective agreement” means a collective agreement as defined in the *Labour Relations Act*, an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act*, a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, or any agreement in writing between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or

1982, c. 55

R.S.O. 1980,
cc. 228, 164,
381

providing for working conditions or terms of compensation;

- (d) “compensation” includes all forms of wages, salary, remuneration, benefits, perquisites, and any other payments or benefits whatsoever that are paid or provided, directly or indirectly, to or for the benefit of a person in respect of any office, employment or position in the public sector, but compensation does not include reimbursement of any person for expenses actually incurred by him;
- (e) “compensation group” means an individual or group of persons to whom Part I of this Act is made applicable by section 3, including a unit of public sector employees established for collective bargaining, for whom there exists, or it is proposed to bring into existence, a scheme, arrangement or plan that, by custom or agreement, regulates the terms and conditions for determining the nature and amount of compensation for such individual or group of persons;
- (f) “group compensation plan” means the scheme, arrangement or plan for regulating the terms and conditions that determine the nature and amount of compensation for any particular compensation group;
- (g) “Minister” means the Minister of Consumer and Commercial Relations;
- (h) “municipality” means a county, city, town, village and township and includes a metropolitan, regional or district municipality;
- (i) “prescribed” means prescribed by the regulations;
- (j) “public sector” means those persons to whom Part I of this Act is made applicable by section 3;
- (k) “regulations” means regulations made under this Act;
- (l) “restraint period” means,
 - (i) in the case of a person whose group compensation plan is not included in a collective agreement and is, on the 1st day of October, 1983, subject to the *Inflation Restraint Act, 1982*, the twelve-month period immediately following

the expiry of the period referred to in clause 11 (a) or (b) of that Act, whichever is applicable, or

- (ii) in the case of a person whose group compensation plan is included in a collective agreement the minimum term of operation of which is, by law or by the express provisions of the agreement, for a period that expires before the 1st day of October, 1984, the twelve-month period immediately following either,

- (A) the expiry of that minimum term of operation, or

- (B) the expiry of the period for which the group compensation plan is subject to the provisions of subsection 12 (1) of the *Inflation Restraint Act, 1982*,

1982, c. 55

whichever last occurs;

- (m) “terms of employment” means,

- (i) obligations or requirements that are part of the employer-employee relationship and that give rise to any expenditure of funds by the employer, and

- (ii) obligations or requirements for the payment or provision of compensation to persons to whom subsection 3 (2) or (3) applies;

- (n) “Treasurer” means the Treasurer of Ontario and Minister of Economics.

2. This Act binds Her Majesty in right of Ontario.

Binding on
Her Majesty

PART I

COMPENSATION REVIEW

3.—(1) This Part applies to, and to the group compensation plans of, persons employed by, Application

- (a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieuten-

ant Governor in Council or a member of the Executive Council;

- R.S.O. 1980,
c. 303
- (b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;
- R.S.O. 1980,
c. 129
- (c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;
- R.S.O. 1980,
cc. 410, 389,
79, 391
- (d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act*, every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act*;
- (e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- (f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- R.S.O. 1980,
c. 409
- (g) every local board of health of a municipality or of a health unit under the *Public Health Act*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality;
- (h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

- (i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Schedule hereto or added to the Schedule by the regulations.

(2) This Part applies to, and to the group compensation plans of, members and directors of corporations, boards, commissions and authorities described in clauses (1) (a) to (g) and in clause (1) (i). Idem

(3) This Part applies to, and to the group compensation plans of, Idem

- (a) persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1), or to a wholly-owned subsidiary of such corporation;

- (b) judges, as defined in the *Provincial Courts Act*, and small claims courts judges appointed under the *Small Claims Courts Act*; R.S.O. 1980,
cc. 398, 476

- (c) members of the Assembly;

- (d) members of the council of the corporation of a municipality;

- (e) members of a local board, as defined in the *Municipal Affairs Act*; and R.S.O. 1980,
c. 303

- (f) members of a board, as defined in the *Education Act*. R.S.O. 1980,
c. 129

(4) This Part applies notwithstanding any other Act or any agreement made before or after the coming into force of this Act. Idem

4.—(1) The Board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time or as requested by the Treasurer, and may, where in its opinion the pattern of compensation increases in the public sector is inconsistent with the criteria, recommend to the Treasurer that further appropriate measures be taken. Function of
Board

Idem (2) The Board shall, through such methods as are considered appropriate, increase awareness of the effects of changes referred to in subsection (1).

Criteria to be published (3) The criteria determined under subsection (1) shall be published in *The Ontario Gazette*.

How compensation to be changed **5.—**(1) Subject to subsections (2) and (3), the compensation paid or provided immediately before the restraint period to a person to whom this Part applies may be increased or decreased only in accordance with this Part, and any such increase or decrease shall be deemed to be a change to the group compensation plan for the purposes of section 6.

Excluded changes (2) This Part does not apply to a change in the benefits provided for in a group compensation plan where the change is required to be made in the restraint period by the statute that confers the benefit.

Idem (3) This Part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in the restraint period by the regulations pursuant to the *Employment Standards Act*.

R.S.O. 1980,
c. 137

Filing with Board **6.—**(1) Where changes to a group compensation plan in respect of any part of the restraint period are,

- (a) proposed in a statement issued by or on behalf of the administrator of such plan;
- (b) agreed to in a collective agreement with respect to such plan;
- (c) issued in any arbitral award with respect to such plan; or
- (d) validly determined in any other proper manner, or in such manner as is prescribed for the purpose of this clause,

the administrator of the group compensation plan, or such other person as the Board permits, shall file with the Board the collective agreement, statement, award, determination or other document setting out the particulars of the changes in the form and manner required by the Board, within thirty days from the issuing of such statement or arbitral award or the ratification of such collective agreement or the making of such determination, and there shall be filed at the same time any additional information required by the Board or by regulation.

(2) The documents and information required to be filed under subsection (1) shall, Idem

- (a) in the case of an arbitration, include the statement required by section 9; and
- (b) in all other cases, include the estimated cost or saving attributable to such changes.

(3) Subject to subsection (4), the changes to the group compensation plan may be implemented fifteen working days after actual receipt by the Board of the documents and information required by subsections (1) and (2) to be filed. Time of implementation

(4) Where, in the opinion of the Board, the documents and information filed with the Board under subsections (1) and (2) do not adequately set out the particulars of the changes to the group compensation plan and the cost or saving attributable to such changes, or do not include an adequate statement prepared by an arbitrator pursuant to section 9, the Board may, within fifteen working days from the actual receipt by the Board of the documents and information, defer the implementation of, Deferral of implementation

- (a) such changes proposed in a statement;
- (b) the collective agreement containing such changes;
- (c) the arbitral award containing such statement; or
- (d) such changes determined under clause (1) (d),

until in the opinion of the Board, this section is complied with, and the Board shall forthwith require the party who has not complied with subsections (1) and (2) to file with the Board within such time as the Board considers reasonable, the necessary information.

(5) The Board shall notify the person filing the documents or information and such other persons as the Board considers appropriate of any deferral of changes under subsection (4). Notification

7. In addition to its existing powers, the Board may, Powers of Board

- (a) require from an administrator, arbitrator or person subject to this Part any information that in the opinion of the Board is reasonably necessary for the performance of the Board’s duties to be provided in the form specified by the Board;

- (b) require a report from an administrator or such other person as the Board specifies of the cost in money of any aspect of the terms of employment, or change thereto not already expressed in money;
- (c) in writing, require any administrator to provide to the Board, at such time as the Board specifies, the certified report of a qualified person setting out,
 - (i) the value of total payments on the account of the group compensation plans of persons subject to this Part paid by an administrator during any period,
 - (ii) any changes to the terms of employment during any period, and
 - (iii) such other matters as the Board shall specify,
 and the administrator shall, at his expense, provide the report so required.

Application
of sections 9
and 10

8.—(1) In sections 9 and 10, “arbitration” includes every procedure for arbitration, fact finding or final offer selection applicable by statute to employers, and to employees to whom this Part applies, and “arbitrator” has a corresponding meaning.

Idem

(2) Sections 9 and 10 are applicable only to the full period of an award or decision that includes any part of the restraint period of the employees affected by the arbitration.

Arbitrators
to determine
costs

9.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whose group compensation plans this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall include in his award or decision a statement setting out, in the form and manner specified by the Board, the arbitrator’s opinion of the value in money of the direct and indirect cost or saving to the administrator during the period of time for which the award or decision is effective, of any change to the terms of employment that is to be made as a result of the award or decision.

Idem

(2) Where the change to be made to terms of employment as a result of an award or decision referred to in subsection (1) will be in effect for less than twelve full months in the period of time for which the award or decision is effective, the value of the cost or saving that is required by subsection (1) to be stated

shall be calculated as if the change were in effect for a period of twelve months.

(3) Each party to an arbitration to which subsection (1) Idem applies shall, on the basis of the best information to which he has access, provide to the arbitrator accurate and proper estimates of the cost or saving directly and indirectly associated with any change that the party submits should be made to the terms of employment, together with such documentation as is necessary to establish and set forth the basis on which the estimate is made.

(4) Where a party to an arbitration fails to provide an estimate of the cost or saving of any change, the arbitrator is entitled, in the preparation of the statement required by subsection (1), to base his opinion on the estimates provided by the other party. Estimate not provided

10.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whom this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall consider the employer's ability to pay in the light of existing provincial fiscal policy. Matters to be considered in arbitration

(2) In the statement required from the arbitrator by subsection 9 (1) he shall also state his opinion of the effect of his award in the light of subsection (1). Statement of effect of award

11.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) terminating in whole or in part the application of this Act to a group compensation plan to which this Act applies where there exist special circumstances that justify such termination in keeping with the spirit and intent of this Act;
- (b) adding to or deleting from the Schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind;
- (c) exempting items from the costing or filing requirements for arbitrators or administrators;
- (d) exempting an administrator from the filing requirements or part thereof;

- (e) further defining the methods by which any filing or costing under this Part shall be carried out;
- (f) defining for the purposes of this Part any word or expression not already defined in this Part;
- (g) further defining the expressions “arbitrator”, “arbitration”, “compensation”, “compensation group”, “group compensation plan”, “restraint period” and “terms of employment”;
- (h) prescribing methods of determination for the purpose of clause 6 (1) (d);
- (i) prescribing changes in benefits to which this Part is not applicable.

Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 1st day of October, 1983.

PART II

PRICES REVIEW

Interpre-
tation

12. In this Part,

- (a) “administered price” means,
 - (i) a price, user charge or fee charged by a public agency, and
 - (ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;
- (b) “price increase” means an increase or a proposed increase in an administered price;
- (c) “public agency” means an agency, board, commission or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;
- (d) “public regulatory agency” means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates, recommends

or requires particular prices, user charges or fees to be charged for any product or service.

13.—(1) All price increases shall be reviewed to determine their compliance with the economic criteria established by the Minister under this Part.

Price
increases to
be reviewed

(2) The Minister shall establish, and may from time to time amend, economic criteria by which price increases shall be reviewed and,

Criteria

- (a) shall publish the criteria and any amendments in *The Ontario Gazette*;
- (b) shall circulate the criteria and any amendments to every public agency and public regulatory agency; and
- (c) may give public notice of the criteria and any amendments in such manner as the Minister considers appropriate.

(3) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 1st day of January, 1984 and before the later of,

Reference to
Board for
investigation

- (a) the 1st day of January, 1985; and
- (b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 1st day of January, 1984 and prior to the 1st day of January, 1985, the day one year from the last such increase.

(4) Where a price increase is referred to the Board by the Minister, the Board shall,

Powers and
duties of the
Board

- (a) investigate and report on the price increase and determine whether it conforms with the criteria;
- (b) where requested by the Minister to do so, determine, or require that the appropriate public agency or public regulatory agency determine, the maximum price increase that would so conform; and
- (c) report to the Minister the result of its investigation and of any determination under clause (a) or (b).

Review by
Minister

14.—(1) The Minister shall review a report of the Board made under clause 13 (4) (c).

Duty of
Minister

(2) Where the Minister determines that a price increase does not conform with the criteria, he shall,

(a) notify the agency or person in question; and

(b) report to the Lieutenant Governor in Council on the nature of the failure to conform.

Information

15.—(1) For the purpose of carrying out its duties under subsection 13 (4), the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such information concerning administered prices as is reasonably necessary and specified in the notice and is in their possession or to which they may reasonably be expected to have access.

Compliance
with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

Extension of
time for
compliance

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice.

Confiden-
tiality of
information

16.—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Part.

Disclosure of
information,
where
permitted

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority

named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board.

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information. Evidence

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part. Exception

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence. Offence

17. The Lieutenant Governor in Council may make regulations further defining the terms “public agency” and “public regulatory agency”. Regulations

PART III

MISCELLANEOUS

18. Any person who fails, without reasonable excuse, to comply with this Act or any written requirement of the Board made under this Act is guilty of an offence. Offence

19. The Board shall make an annual report of its activities under Part I to the Treasurer and an annual report of its activities under Part II to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly, if it is in session or, if not, at the next ensuing session. Annual reports

20. This Act shall be administered by the Treasurer of Ontario and Minister of Economics or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act, and the member of the Executive Council from time to time administering this Act is responsible to provide such guidance or direction on the spirit, intent or purpose of this Act as is considered necessary and desirable. Administration of Act

21. The moneys required for the purposes of this Act shall, until the 31st day of March, 1984, be paid out of the Moneys

Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

22. This Act shall be deemed to have come into force on the 1st day of October, 1983.

Short title

23. The short title of this Act is the *Public Sector Prices and Compensation Review Act, 1983*.

SCHEDULE

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

MINISTRY OF COLLEGES AND UNIVERSITIES

1. College Dominicain de Philosophie
2. Knox College
3. McMaster Divinity College
4. Queen's Theological College
5. Regis College
6. St. Augustine's Seminary
7. St. Michael's College
8. St. Paul University
9. St. Paul's United College
10. St. Peter's Seminary
11. Trinity College
12. Victoria College
13. Waterloo Lutheran Seminary
14. Wycliffe College

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

- (a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);
- (b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
- (c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
- (d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
- (e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
- (f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;
- (g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
- (h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
- (i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
- (j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);
- (k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
- (l) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);
- (m) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);
- (n) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);
- (o) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);
- (p) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);
- (q) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;
- (r) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

- (s) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);
- (t) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
- (u) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273).

2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

- (a) assistance to witnesses and victims of crime, or other disabled groups;
- (b) educational, employment search, medical or promotional services;
- (c) supervision of inmates, parolees, probationers or persons accused of crime;
- (d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pedagogiques

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

- (a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);
- (b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);
- (c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);

- (d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;
 - (e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);
 - (f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,
 - (i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and
 - (ii) is entitled to payment from the home care facility for or in respect of supplying such services;
 - (g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);
 - (h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;
 - (i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;
 - (j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.
2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).
3. (a) Booth Avenue Hospital Laundry, Inc.;
- (b) Centennial Hospital Linen Services;
- (c) Cornwall Regional Hospital Linen Services;
- (d) Kawartha Hospital Linen Services;
- (e) Kingston Regional Hospital Laundry, Inc.;
- (f) London Hospital Linen Services, Inc.;
- (g) Mohawk Hospital Linen Services;
- (h) Nipissing Area Joint Hospitals Laundry, Inc.;
- (i) Ottawa Regional Linen Services, Inc.;
- (j) Sudbury Hospital Services;
- (k) Windsor Hospital Linen Services, Inc.
4. Ottawa-Carleton Regional Hospital Food Services, Inc.

5. Toronto Hospitals Steam Corporation
6. The Alcoholism and Drug Addiction Research Foundation
7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.
8. The Hospital Council of Metropolitan Toronto
9. The Hospital Medical Records Institute
10. The Ontario Cancer Institute
11. The Ontario Cancer Treatment and Research Foundation
12. The Ontario Mental Health Foundation
13. The Ontario Council of Health
14. The Toronto Institute of Medical Technology

MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,
 - (a) the collection, removal and disposal of garbage and other refuse for a municipality;
 - (b) the operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board

CHAPTER 71

An Act to amend the Telephone Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 6 (1) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 6 (1),
re-enacted

(1) The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act or under the regulations and, for such purposes, to make such orders and rules, to give such direction, to issue such certificates and perform all acts as it considers necessary.

Jurisdiction
of
Commission

(2) Section 6 of the said Act is amended by adding thereto the following subsections:

s. 6,
amended

(4) Without limiting the generality of subsections (1) and (2), the Commission has the jurisdiction to make orders,

Jurisdiction
to make
orders

- (a) setting out the terms and conditions to be in contracts between any class of telephone system and affiliated persons, and between any class of telephone system and other person offering telephone services;
- (b) governing the nature and quality of any class of telephone services;
- (c) concerning installation of and maintenance and access to telephone facilities;
- (d) concerning accounts issued by any class of telephone system;
- (e) regulating and controlling business procedures of any class of telephone system including,

- (i) accounting methods,
- (ii) costing methods, and
- (iii) reporting of financial, construction and investment plans;
- (f) requiring the provision of any class of telephone service to applicants therefor and setting out the terms thereof.

Order may
be specific

(5) Any order of the Commission may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of any order.

s. 8,
re-enacted

2. Section 8 of the said Act is repealed and the following substituted therefor:

When orders
effective

8. All orders made by the Commission are effective upon being issued under the seal of the Commission by the secretary-registrar or another person designated by the chairman.

s. 9,
amended

3. Section 9 of the said Act is amended by adding thereto the following subsections:

Procedural
rules

(5) The Commission may make such rules governing the practice and procedure applicable to proceedings before it as it may from time to time consider necessary.

Application
of R.S.O.
1980,
c. 484

(6) The Commission may, in its sole discretion, determine whether it is necessary to hold a hearing but, when a hearing is held, the *Statutory Powers Procedure Act* applies.

s. 16,
re-enacted

4. Section 16 of the said Act is repealed and the following substituted therefor:

Guidelines

16.—(1) The Lieutenant Governor in Council may by order binding on the Commission,

- (a) set out criteria or guidelines to be applied by the Commission in deciding any matter subject to the jurisdiction of the Commission;
- (b) require the Commission to undertake an investigation and make a report concerning any matter that in the opinion of the Lieutenant Governor in Council affects the provision of telephone services in Ontario, or to require the Commission to take any

action or perform any function within the jurisdiction of the Commission.

(2) An order made under clause (1) (a) does not bind the Commission in respect of a matter before the Commission at the time the order is made.

Not
retroactive

(3) All orders made under clause (1) (a) shall be published in *The Ontario Gazette*.

Publication

5. Section 22 of the said Act is repealed and the following substituted therefor:

s. 22,
re-enacted

22. An order of the Commission made under this Act is not a regulation within the meaning of the *Regulations Act*.

Order not
under
R.S.O.1980,
c. 446

6. Section 26 of the said Act is repealed and the following substituted therefor:

s. 26,
re-enacted

26.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing classes of telephone systems and classes of telephone services;

(b) prescribing terms and conditions and rules applicable to any class of telephone system and customers in respect of classes of telephone services;

(c) exempting any class of telephone system from the application of any section of this Act and prescribing conditions for the exemption;

(d) exempting any class of telephone service from any section of this Act and prescribing conditions for exemptions.

(2) Any regulation may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of the regulation.

Application

7. Section 45 of the said Act is repealed and the following substituted therefor:

s. 45,
re-enacted

45. The council of an initiating municipality or the commissioners, as the case may be, shall determine the location of any exchange or switchboard of the system and any relocation of the same.

Location of
exchange

s. 61,
amended

8. Section 61 of the said Act is amended by adding thereto the following subsection:

Increased
revenues

(3) A municipal telephone system may, in extraordinary circumstances, with the approval of the Commission, earn greater revenues than provided for in this section where such revenues are used for the purpose of complying with an order of the Commission.

s. 71 (1),
amended

9. Subsection 71 (1) of the said Act is amended by striking out “approved by the Commission and” in the sixteenth and seventeenth lines.

s. 88,
re-enacted

10. Section 88 of the said Act is repealed and the following substituted therefor:

By-laws to
be available
for
inspection

88. Every incorporated telephone company shall keep every by-law, special by-law or special resolution available for inspection at the head office of the company.

s. 105,
amended

11. Section 105 of the said Act is amended by adding thereto the following subsection:

Rates to be
just and
reasonable

(3) Every rate or toll charged or levied by a telephone system shall be just and reasonable.

s. 106,
re-enacted

12. Section 106 of the said Act is repealed and the following substituted therefor:

Service to
be fair

106.—(1) No telephone system, in offering or providing a telephone service, shall,

(a) make an unwarranted discrimination against any person;

(b) give an undue advantage to any person; or

(c) subject any person to an undue disadvantage.

Onus on
system

(2) Where it is alleged that a telephone system has committed an act mentioned in subsection (1), the onus of proving that the discrimination is warranted or that the advantage or disadvantage is not undue is on the telephone system.

Interpre-
tation

(3) Charging different rates based on the nature of the use made of a telephone system is not a contravention of this section.

s. 108,
re-enacted

13. Section 108 of the said Act is repealed and the following substituted therefor:

108.—(1) Every telephone system and municipality shall file with the Commission its rates of depreciation in such form and containing such particulars as the Commission requires, and no telephone system or municipality shall employ a rate of depreciation that has not been filed with and approved by the Commission.

Rate of depreciation

(2) The Commission may at any time require a telephone system or municipality to make such changes in the rates of depreciation as the Commission considers expedient.

Changes

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. The short title of this Act is the *Telephone Amendment Act, 1983*.

Short title

CHAPTER 72

An Act to amend certain Acts
respecting Regional Municipalities

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Subsection 17 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line. s. 17 (1),
amended

(2) Subsection 17 (2) of the said Act is amended by striking out “64” in the first line. s. 17 (2),
amended

2. Subsection 19 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”. s. 19 (1),
amended

3. Sections 83 and 85 of the said Act are repealed and the following substituted therefor: s. 83,
re-enacted;
s. 85,
repealed

83.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Durham Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Durham Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit
and Board
dissolved

Regional Corporation to have powers, etc., of local board of health
R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of
R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of
R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under
R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of
R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Idem

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Recovery of expenditures

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Durham Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Offer of employment

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Application of
s. 25 (1, 2, 4)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Durham Regional Board of Health.

Sick leave credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination of employment

4. Subsection 96 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 86, is repealed and the following substituted therefor:

s. 96 (2),
re-enacted

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 129 (1),
re-enacted

5.—(1) Subsection 129 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 89, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 129 (3),
re-enacted

(2) Subsection 129 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 do not apply to any area municipality.

s. 130,
repealed

6. Section 130 of the said Act is repealed.

s. 131 (2),
re-enacted

7. Subsection 131 (2) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Delegation of
authority

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*.

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 17 (1),
amended

8.—(1) Subsection 17 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Stat-

utes of Ontario, 1980, is amended by striking out “63” in the first line.

(2) Subsection 17 (2) of the said Act is amended by striking out “64” in the first line. s. 17 (2),
amended

9. Subsection 19 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”. s. 19 (1),
amended

10. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: s. 58,
re-enacted;
s. 59,
repealed

58.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Haldimand-Norfolk Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Haldimand-Norfolk Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit
and Board
dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional
Corporation
to have
powers, etc.,
of local
board of
health
R.S.O. 1980,
c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed
municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-
application of
R.S.O. 1980,
c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed
local
board

Clerk
deemed
secretary of
local board
of health
R.S.O. 1980,
c. 409

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application
of
R.S.O. 1980,
c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical
officer of
health, etc.,
deemed
appointed
under
R.S.O. 1980,
c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application
of
R.S.O. 1980,
c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of
expenditures

R.S.O. 1980,
c. 409

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of
employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Haldimand-Norfolk Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including

the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

(14) Subsections 26 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Application
of
s. 26 (1, 2, 4)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Haldimand-Norfolk Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

11. Subsection 78 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 95, is repealed and the following substituted therefor:

s. 78 (2),
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

Allowance
to be made
in estimates

12.—(1) Subsection 111 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 98, is repealed and the following substituted therefor:

s. 111 (1),
re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1980,
c. 302

(2) Subsection 111 (4) of the said Act is repealed and the following substituted therefor:

s. 111 (4),
re-enacted

(4) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

Exceptions

s. 113,
repealed

13. Section 113 of the said Act is repealed.

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 17 (1),
amended

14.—(1) Subsection 17 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 17 (2),
amended

(2) Subsection 17 (2) of the said Act is amended by striking out “64” in the first line.

s. 19 (1),
amended

15. Subsection 19 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

s. 89 (2),
re-enacted

16. Subsection 89 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 68, is repealed and the following substituted therefor:

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 122 (1),
re-enacted

17.—(1) Subsection 122 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 71, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 122 (3),
re-enacted

(2) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

18. Section 123 of the said Act is repealed.

s. 123,
repealed
19. Subsection 124 (2) of the said Act is repealed and the following substituted therefor:

s. 124 (2),
re-enacted
- (2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Application
of
R.S.O. 1980,
c. 302
- (2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*.

Delegation
of authority

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- 20.—(1) Subsection 16 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 16 (1),
amended
- (2) Subsection 16 (2) of the said Act is amended by striking out “64” in the first line.

s. 16 (2),
amended
21. Subsection 18 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

s. 18 (1),
amended
22. Sections 80 and 81 of the said Act are repealed and the following substituted therefor:

s. 80,
re-enacted;
s. 81,
repealed
- 80.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Hamilton-Wentworth Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Hamilton-Wentworth Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board.

Health unit
and Board
dissolved

Regional Corporation to have powers, etc., of local board of health
R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Idem
R.S.O. 1980,
c. 409

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Recovery of
expenditures

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Hamilton-Wentworth Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Offer of
employment

(14) Subsections 24 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Application
of
s. 24 (1, 2, 4)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Hamilton-Wentworth Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

23. Subsection 100 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 77, is repealed and the following substituted therefor:

s. 100 (2),
re-enacted

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 133 (1),
re-enacted

24.—(1) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 80, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 133 (3),
re-enacted

(2) Subsection 133 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 135,
repealed

25. Section 135 of the said Act is repealed.

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 7 (1),
re-enacted

26. Subsection 7 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Elections

(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same time and in the same manner as the election of the mayor of such area municipality.

s. 16 (1),
amended

27.—(1) Subsection 16 (1) of the said Act is amended by striking out “63” in the first line.

s. 16 (2),
amended

(2) Subsection 16 (2) of the said Act is amended by striking out “64” in the first line.

s. 18 (1),
amended

28. Subsection 18 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such

lower rate as the Regional Council may fix'' in the tenth, eleventh and twelfth lines and inserting in lieu thereof ''at such rate as the Regional Council may by by-law establish''.

29. Sections 106 and 107 of the said Act are repealed and the following substituted therefor:

s. 106,
re-enacted;
s. 107,
repealed

106.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the board of health of the Regional Area health unit are dissolved, and the assets and liabilities of the board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the board for the purposes of any agreements entered into, orders made, or matters commenced by the board, and for the purposes of any proceedings which have been or may be instituted against the board.

Health unit
and board
dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional
Corporation
to have
powers, etc.,
of local
board of
health
R.S.O. 1980,
c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Deemed
municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-
application of
R.S.O. 1980,
c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Deemed
local
board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Clerk
deemed
secretary of
local board
of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the

Application
of
R.S.O. 1980,
c. 409

Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the board of health of the Regional Area health unit, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (2, 3, 5)

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the board of health of the Regional Area health unit.

Sick leave credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination of employment

30. Subsection 127 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 22, is repealed and the following substituted therefor:

s. 127 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

Allowance to be made in estimates

31.—(1) Subsection 161 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 25, is repealed and the following substituted therefor:

s. 161 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of R.S.O. 1980, c. 302

(2) Subsection 161 (2) of the said Act is repealed and the following substituted therefor:

s. 161 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

Exceptions

32. Section 162 of the said Act is repealed.

s. 162, repealed

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

33.—(1) Subsection 20 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes

s. 20 (1), amended

of Ontario, 1980, is amended by striking out “63” in the first line.

s. 20 (2),
amended

(2) Subsection 20 (2) of the said Act is amended by striking out “64” in the first line.

s. 120 (2),
re-enacted

34. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 10, is repealed and the following substituted therefor:

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 163 (1),
re-enacted

35.—(1) Subsection 163 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 13, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 163 (2),
re-enacted

(2) Subsection 163 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 165,
repealed

36. Section 165 of the said Act is repealed.

PART VII

REGIONAL MUNICIPALITY OF PEEL

s. 17 (1),
amended

37.—(1) Subsection 17 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 17 (2),
amended

(2) Subsection 17 (2) of the said Act is amended by striking out “64” in the first line.

s. 19 (1),
amended

38. Subsection 19 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth

and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

39. Sections 64 and 65 of the said Act are repealed and the following substituted therefor:

s. 64,
re-enacted;
s. 65,
repealed

64.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Peel Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Peel Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board.

Health unit
and Board
dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional
Corporation
to have
powers,
etc., of local
board of
health
R.S.O. 1980,
c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Deemed
municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-
application of
R.S.O. 1980,
c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Deemed
local
board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Clerk
deemed
secretary of
local board
of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the

Application
of
R.S.O. 1980,
c. 409

Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Peel Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Peel Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

40. Subsection 84 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 59, is repealed and the following substituted therefor:

s. 84 (2),
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

Allowance
to be made
in estimates

41.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 62, is repealed and the following substituted therefor:

s. 117 (1),
re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1980,
c. 302

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

s. 117 (2),
re-enacted

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of an area municipality may exercise the powers contained in subsections 219 (6), (7) and (8) of that Act as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

Loans re
sewer and
water
connections
R.S.O. 1980,
c. 302

(3) Subsection 117 (3) of the said Act is repealed and the following substituted therefor:

s. 117 (3),
re-enacted

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

Exceptions

s. 118,
repealed

42. Section 118 of the said Act is repealed.

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 16 (1),
amended

43.—(1) Subsection 16 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 16 (2),
amended

(2) Subsection 16 (2) of the said Act is amended by striking out “64” in the first line.

s. 18 (1),
amended

44. Subsection 18 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

s. 27 (1),
re-enacted

45. Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 5, is repealed and the following substituted therefor:

Powers of
Regional
Council
under
1983, c. 1

(1) In addition to the powers given to the Regional Council under the *Planning Act*, 1983, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act*, 1983.

Powers of
Regional
Council
under
R.S.O. 1980,
c. 379

(1a) The Regional Council may exercise all the powers of a local municipality under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and no area municipality, except as provided in this Part, shall exercise any such powers.

ss. 27a, 27b,
27c,
enacted

46. Part V of the said Act is amended by adding thereto the following sections:

Delegation
of powers to
area
municipi-
palities

27a. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44 and 68 of the *Planning Act*, 1983 as the Regional Council may determine.

1983, c. 1

27b. Section 8 of the *Planning Act, 1983* applies to the council of an area municipality where a power has been delegated to the area municipality under section 27a.

Planning
advisory
committee
1983, c. 1

27c.—(1) Subsections 50 (6), (7), (8), (9), (10), (11), (12) and (17) of the *Planning Act, 1983* apply to every area municipality and the councils thereof.

Subdivision
agreements

(2) Subsections 50 (6), (7), (9), (10), (11) and (12) and 52 (14) of the *Planning Act, 1983* apply to every area municipality and the councils thereof in respect of consents given by the Regional Corporation under section 52 of that Act.

Consents

47. Subsection 70 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 50, is repealed and the following substituted therefor:

s. 70 (2),
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

Allowance
to be made
in estimates

48.—(1) Subsection 103 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 53, is repealed and the following substituted therefor:

s. 103 (1),
re-enacted

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1980,
c. 302

(2) Subsection 103 (3) of the said Act is repealed and the following substituted therefor:

s. 103 (3),
re-enacted

(3) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act*, do not apply to any area municipality.

Exceptions

49. Subsection 104 (1) of the said Act is repealed and the following substituted therefor:

s. 104 (1),
re-enacted

(1) Paragraphs 81, 141, 142, 143, 144, 144a, 144b, 144c, 145, 146, 154, 155 and 156 of section 210, paragraph 8 of subsection 230 (1) and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 232 of the *Municipal Act* apply with necessary modifications to the

Application
of
R.S.O. 1980,
c. 302

Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

s. 105,
repealed

50. Section 105 of the said Act is repealed.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 16 (1),
amended

51.—(1) Subsection 16 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 16 (2),
amended

(2) Subsection 16 (2) of the said Act is amended by striking out “64” in the first line.

s. 18 (1),
amended

52. Subsection 18 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth, tenth and eleventh lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

s. 117 (2),
re-enacted

53. Subsection 117 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 41, is repealed and the following substituted therefor:

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 151 (1),
re-enacted

54.—(1) Subsection 151 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 44, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 151 (2),
re-enacted

(2) Subsection 151 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

55. Section 152 of the said Act is repealed.

s. 152,
repealed

PART X

REGIONAL MUNICIPALITY OF YORK

56.—(1) Subsection 16 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out “63” in the first line.

s. 16 (1),
amended

(2) Subsection 16 (2) of the said Act is amended by striking out “64” in the first line.

s. 16 (2),
amended

57. Subsection 18 (1) of the said Act is amended by striking out “at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “at such rate as the Regional Council may by by-law establish”.

s. 18 (1),
amended

58. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 31, is repealed and the following substituted therefor:

s. 120 (2),
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

Allowance
to be made
in estimates

59.—(1) Subsection 153 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 34, is repealed and the following substituted therefor:

s. 153 (1),
re-enacted

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1980,
c. 302

(2) Subsection 153 (2) of the said Act is repealed and the following substituted therefor:

s. 153 (2),
re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

Exceptions

60. Section 154 of the said Act is repealed.

s. 154,
repealed

s. 173 (3),
re-enacted

61. Subsection 173 (3) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Commence-
ment

62.—(1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 10, 22, 29 and 39 come into force on the 1st day of January, 1984.

Idem

(3) Sections 2, 9, 15, 21, 28, 38, 44, 52 and 57 come into force on the 1st day of March, 1984.

Idem

(4) Sections 4, 11, 16, 23, 30, 34, 40, 47, 53 and 58 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(5) Section 61 shall be deemed to have come into force on the 1st day of August, 1981.

Idem

(6) Section 45 shall be deemed to have come into force on the 1st day of August, 1983.

Short title

63. The short title of this Act is the *Regional Municipalities Amendment Act, 1983*.

CHAPTER 73

**An Act to repeal certain
Private Acts related to Municipalities**

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The Acts listed in the Schedule hereto are hereby

repealed.

Repeal
2. A municipality incorporated by an Act listed in the

Schedule and that was in existence immediately prior to the

coming into force of this Act shall be deemed to be continued

with the same status as it had immediately prior to the coming

into force of this Act.

Status not
affected
3. Nothing in this Act affects the boundaries of any munic-

ipality as those boundaries existed immediately prior to the

coming into force of this Act.

Boundaries
not affected
4. This Act comes into force on the day it receives Royal

Assent.

Commence-
ment
5. The short title of this Act is the *Municipal Private Acts*

Repeal Act, 1983.

Short title

SCHEDULE

Acts Repealed

Municipality	Year and Chapter
Alliston, Town.....	1885, c.54; 1891, c.61; 1896, c.76; 1907, c.56; 1912, c.86; 1915, c.46; 1931, c.81;
Almonte, Town.....	1888, c.41; 1927, c.99; 1930, c.67; 1931, c.82; 1958, c.124;
Amabel, Township.....	1898, c.37;
Amherstburg, Town.....	1889, c.55; 1901, c.46; 1905, c.39; 1955, c.94;
Ancaster, Town.....	1931, c.83;
Arnprior, Town.....	1900, c.60; 1912, c.87; 1912, c.88; 1914, c.57; 1926, c.75; 1960-61, c.104;
Aylmer, Town.....	1890, c.79; 1914, c.58; 1926, c.76;
Bath, Village.....	1962-63, c.147;
Bayfield, Village.....	1927, c.100;
Bayham, Township.....	1868, c.50;
Belleville, City.....	1868, c.49; 1875-76, c.50; 1901, c.47; 1904, c.40; 1904, c.41; 1905, c.40; 1907, c.57; 1913, c.91; 1921, c.95; 1924, c.87; 1949, c.115; 1951, c.97; 1958, c.125; 1968-69, c.142;
Bonfield, Township.....	1940, c.36;
Bracebridge, Town.....	1868-69, c.56; 1891, c.62; 1903, c.43; 1903, c.44;
Brantford, City.....	1870-71, c.57; 1880, c.38; 1886, c.53; 1890, c.82; 1893, c.59; 1901, c.48; 1908, c.71; 1909, c.99; 1911, c.84; 1913, c.93; 1915, c.48; 1919, c.86; 1922, c.105; 1923, c.60; 1925, c.83; 1926, c.77; 1928, c.61; 1929, c.91; 1932, c.60; 1937, c.84; 1940, c.37;
Brockville, City.....	1878, c.30; 1889, c.58; 1892, c.64; 1899, c.41; 1906, c.64; 1915, c.49;

SCHEDULE (continued)

Municipality	Year and Chapter
Bruce, County.....	1878, c.31;
Bruce Mines, Town.....	1906, c.65;
Caledon, Town.....	1958, c.130;
Cambridge, City.....	1871-72, c.63; 1907, c.67; 1915, c.51; 1916, c.71; 1919, c.92; 1922, c.111; 1925, c.88; 1926, c.81; 1928, c.65; 1929, c.100; 1930, c.80; 1901, c.55; 1908, c.84; 1920, c.126; 1947, c.128; 1895, c.77; 1897, c.77; 1900, c.90; 1915, c.67; 1918, c.77; 1922, c.125; 1927, c.123;
Campbellford, Town.....	1890, c.84; 1903, c.45; 1910, c.111;
Capreol, Town.....	1929, c.92; 1931, c.87;
Cobourg, Town.....	1873, c.120; 1875-76, c.51; 1875-76, c.52; 1877, c.44; 1889, c.59; 1892, c.67; 1898, c.39; 1899, c.43; 1901, c.49; 1920, c.115; 1922, c.107; 1924, c.89; 1932, c.62; 1936, c.69;
Colchester North, Township.....	1887, c.47;
Collingwood, Town.....	1882-83, c.32; 1884, c.49; 1891, c.65; 1897, c.61; 1898, c.40; 1899, c.44; 1900, c.64; 1902, c.45; 1903, c.46; 1904, c.44; 1913, c.94; 1914, c.65; 1918, c.55; 1922, c.108; 1934, c.71; 1938, c.49; 1946, c.115;
Deseronto, Town.....	1903, c.48; 1930, c.72;
Dresden, Town.....	1902, c.47;
Dundas, Town.....	1871-72, c.69; 1871-72, c.70; 1877, c.45; 1878, c.72; 1899, c.46; 1909, c.103; 1912, c.94; 1919, c.89; 1919, c.90; 1924, c.92; 1931, c.90; 1937, c.86;
Durham, Town.....	1885, c.56; 1900, c.67; 1904, c.46; 1905, c.45; 1910, c.113;
Durham, Regional Municipality.....	1893, c.72; 1920, c.129; 1960-61, c.118; 1968, c.162; 1968-69, c.160;

SCHEDULE (continued)

Municipality	Year and Chapter
Eastnor, Township.....	1906, c.69;
East York, Borough.....	1923, c.99; 1925, c.119; 1926, c.106; 1927, c.137; 1927, c.138; 1929, c.96; 1930, c.75; 1932, c.66; 1933, c.76; 1935, c.79; 1937, c.88; 1938, c.51; 1939, c.58; 1942, c.43; 1943, c.40; 1951, c.99; 1965, c.150; 1967, c.112; 1913, c.102; 1920, c.127; 1930, c.85; 1944, c.77; 1956, c.107;
Eganville, Village.....	1916, c.69;
Eldon, Township.....	1887, c.50;
Essex, Town.....	1891, c.67; 1885, c.57;
Fenelon Falls, Village.....	1942, c.44;
Flos, Township.....	1894, c.65;
Fort Frances, Town.....	1906, c.72; 1912, c.152; 1928, c.113; 1934, c.83; 1935, c.81; 1957, c.136; 1958, c.134;
Goderich, Town.....	1892, c.71; 1898, c.41; 1899, c.49; 1899, c.50; 1900, c.70; 1902, c.50; 1903, c.54; 1905, c.50; 1924, c.99;
Gravenhurst, Town.....	1887, c.52; 1889, c.61; 1891, c.69; 1905, c.51;
Grimsby, Town.....	1875-76, c.41; 1905, c.52; 1905, c.53; 1916, c.72; 1919, c.93; 1923, c.64; 1962-63, c.164; 1882, c.33;
Haileybury, Town.....	1912, c.100; 1923, c.66; 1931, c.99;
Halton Hills, Town.....	1901, c.45; 1917, c.64; 1921, c.94; 1929, c.89; 1923, c.63; 1924, c.98; 1927, c.112; 1929, c.101; 1931, c.98; 1970, c.151;
Hamilton-Wentworth, Regional Municipality.....	1896, c.99; 1912, c.130;
Hanover, Town.....	1901, c.54; 1903, c.56; 1915, c.55;
Harriston, Town.....	1894, c.68; 1900, c.71; 1925, c.91; 1934, c.78;

SCHEDULE (continued)

Municipality	Year and Chapter
Hastings, County.....	1878, c.29; 1879, c.50;
Hawkesbury, Town.....	1923, c.67; 1925, c.92; 1931, c.101; 1965, c.154;
Hearst, Town.....	1962-63, c.168;
Howick, Township.....	1887, c.54;
Huron, County.....	1875-76, c.49; 1896, c.81;
Ingersoll, Town.....	1873, c.62; 1885, c.60; 1886, c.56; 1893, c.66; 1898, c.45; 1903, c.58; 1903, c.59; 1904, c.50; 1974, c.145;
Iroquois, Village.....	1922, c.114;
Iroquois Falls, Town	1947, c.121; 1960-61, c.107;
Kenora, Town.....	1907, c.71; 1908, c.87; 1909, c.108; 1910, c.117; 1911, c.92; 1912, c.103; 1913, c.100; 1932, c.76; 1890, c.101; 1887, c.62; 1898, c.50; 1900, c.91; 1901, c.67; 1902, c.62;
Kent, County.....	1936, c.72;
Kincardine, Town	1899, c.51; 1900, c.72; 1921, c.106; 1955, c.102;
King, Township.....	1901, c.57; 1939, c.61;
Kingston, City.....	1871-72, c.74; 1881, c.37; 1884, c.51; 1887, c.56; 1889, c.62; 1893, c.68; 1894, c.69; 1899, c.53; 1904, c.79; 1905, c.55; 1906, c.111; 1911, c.94; 1912, c.104; 1912, c.105; 1917, c.73; 1918, c.64; 1921, c.107; 1923, c.70; 1899, c.52;
Kitchener, City.....	1921, c.108; 1923, c.71; 1924, c.102; 1926, c.86; 1938, c.56; 1967, c.116; 1974, c.146; 1888, c.42; 1898, c.38; 1902, c.44; 1903, c.41; 1907, c.58; 1913, c.92; 1946, c.123;
Lake of Bays, Township.....	1908, c.92;

SCHEDULE (continued)

Municipality	Year and Chapter
Leamington, Town.....	1899, c.54; 1929, c.105;
Lincoln, Town.....	1885, c.55; 1903, c.40; 1908, c.70; 1911, c.81;
Lindsay, Town.....	1885, c.61; 1888, c.49; 1891, c.71; 1899, c.55; 1900, c.74; 1912, c.106; 1914, c.73; 1958, c.141; 1903, c.61; 1968-69, c.151;
Logan, Township.....	1871-72, c.65;
London, Township.....	1916, c.78;
Machar, Township.....	1903, c.64;
Markham, Town.....	1896, c.83;
Marmora, Village.....	1918, c.67; 1931, c.108;
Mersea, Township.....	1905, c.66;
Milverton, Village.....	1897, c.68; 1908, c.95;
Mississauga, City.....	1962-63, c.190; 1960, c.169;
Mitchell, Town.....	1893, c.71; 1897, c.69; 1968-69, c.157;
Moore, Township.....	1907, c.64; 1951, c.108;
Mornington, Township.....	1896, c.84;
Morrisburg, Village.....	1905, c.59;
Mount Forest, Town.....	1886, c.59; 1907, c.74; 1924, c.105;
Murray, Township.....	1967, c.120;
Nanticoke, City.....	1926, c.104; 1948, c.124;
Nepean, City.....	1922, c.118; 1929, c.108; 1936, c.76; 1939, c.65; 1961-62, c.158; 1961-62, c.159;

SCHEDULE (continued)

Municipality	Year and Chapter
Newcastle, Town.....	1874, 1st sess., c.71; 1886, c.52; 1888, c.44; 1893, c.58; 1905, c.41; 1906, c.63; 1911, c.82; 1914, c.60; 1916, c.66; 1919, c.85; 1959, c.111;
Newmarket, Town.....	1899, c.62; 1904, c.53; 1913, c.106;
Niagara-on-the-Lake, Town.....	1933, c.88; 1906, c.82; 1910, c.120;
Niagara, Regional Municipality.....	1962-63, c.171;
Norfolk, Township.....	1890, c.100;
North Bay, City.....	1898, c.48; 1904, c.54; 1908, c.119; 1913, c.127; 1912, c.109; 1913, c.107; 1914, c.77; 1915, c.61; 1924, c.109; 1928, c.73;
North York, City.....	1924, c.139;
Norwood, Village.....	1943, c.43;
Orillia, City.....	1890, c.95; 1891, c.76; 1914, c.81; 1921, c.114; 1924, c.112; 1947, c.134;
Oshawa, City.....	1875-76, c.55; 1916, c.84; 1919, c.100;
Ottawa, City.....	1950, c.110; 1961-62, c.165; 1968, c.165;
Owen Sound, City.....	1880, c.42; 1882, c.39; 1885, c.66; 1892, c.81; 1899, c.68; 1911, c.99; 1911, c.100; 1912, c.115; 1915, c.64; 1916, c.86; 1918, c.73; 1925, c.99; 1964, c.138;
Oxford, County.....	1869, c.43; 1874, c.72; 1878, c.36; 1882-83, c.38; 1887, c.60; 1894, c.77; 1904, c.60; 1907, c.81;
Paris, Town.....	1885, c.67; 1946, c.134; 1917, c.80;
Peel, Regional Municipality.....	1965, c.165; 1968, c.167; 1968-69, c.162;
Peterborough, County.....	1970, c.163;
Picton, Town.....	1906, c.90;

SCHEDULE (continued)

Municipality	Year and Chapter
Port Hope, Town.....	1868-69, c.71; 1874, 1st sess., c.77; 1875-76, c.59; 1882, c.41; 1886, c.64; 1895, c.74; 1895, c.75; 1908, c.106; 1910, c.125; 1928, c.76;
Prescott, Town.....	1895, c.76; 1899, c.74; 1900, c.89; 1905, c.70; 1934, c.92;
Richmond Hill, Town.....	1923, c.84; 1929, c.117; 1961-62, c.167;
Ridgetown, Town.....	1888, c.58;
Rochester, Township.....	1882-83, c.40;
Rockland, Town.....	1928, c.102; 1932, c.86;
Russell, Township.....	1914, c.89;
Scarborough, City.....	1920, c.141; 1931, c.125; 1933, c.98; 1938, c.68; 1944, c.83; 1949, c.140; 1962-63, c.185; 1978, c.144;
Scugog, Township.....	1896, c.90; 1900, c.88; 1907, c.85; 1958, c.149;
Simcoe, County.....	1868, c.47; 1877, c.41; 1880, c.43; 1881, c.47; 1898, c.53;
Smiths Falls, Town.....	1899, c.80; 1900, c.96; 1905, c.76; 1908, c.109; 1909, c.122; 1911, c.109; 1918, c.82; 1932, c.90; 1964, c.142;
St. Mary's, Town.....	1911, c.112; 1912, c.123;
Strathroy, Town.....	1879, c.76; 1882, c.45; 1893, c.82; 1900, c.99;
Sudbury, City.....	1952, c.125;
Thessalon, Town.....	1907, c.94;
Thorold, City.....	1897, c.79; 1908, c.111; 1919, c.109; 1930, c.104;
Tiny, Township.....	1894, c.82;
Tottenham, Village.....	1900, c.104;

SCHEDULE (continued)

Municipality	Year and Chapter
Trenton, City	1882, c.45; 1884, c.60; 1885, c.74; 1887, c.73; 1890, c.106; 1894, c.85; 1896, c.97; 1898, c.56; 1904, c.72; 1906, c.100; 1908, c.113; 1909, c.126; 1914, c.101; 1914, c.102; 1917, c.93; 1924, c.131; 1924, c.132;
Uxbridge, Township	1908, c.114;
Walkerton, Town	1890, c.107; 1896, c.98; 1898, c.57; 1915, c.77;
Wallace, Township	1890, c.109;
Wallaceburg, Town	1895, c.91; 1900, c.105; 1901, c.74; 1904, c.73; 1905, c.85; 1906, c.101; 1908, c.115; 1911, c.120; 1914, c.103; 1917, c.94; 1922, c.135; 1962-63, c.195;
West Carleton, Township	1976, c.108;
Whitby, Town	1885, c.75; 1895, c.92; 1899, c.88; 1903, c.87; 1905, c.86; 1911, c.121; 1925, c.116; 1873, c.59;
Whitchurch-Stouffville, Town	1978, c.149;
Warton, Town	1894, c.86; 1900, c.107; 1902, c.67; 1914, c.109; 1922, c.137;
Wilmot, Township	1902, c.52; 1966, c.162;
Wolford, Township	1870-71, c.56;
Wyoming, Village	1889, c.76;
York, City	1893, c.87; 1895, c.94; 1897, c.84; 1899, c.91; 1903, c.88; 1903, c.89; 1906, c.105; 1907, c.98; 1908, c.121; 1909, c.128; 1910, c.137; 1914, c.113; 1917, c.98; 1921, c.130; 1922, c.139; 1923, c.69; 1923, c.74; 1924, c.140; 1923, c.100; 1923, c.101; 1925, c.122; 1926, c.105; 1926, c.108; 1928, c.96; 1929, c.128; 1930, c.109; 1933, c.112; 1934, c.104; 1935, c.100; 1936, c.88; 1938, c.76; 1914, c.107; 1923, c.96; 1925, c.115; 1931, c.132; 1934, c.102; 1935, c.97; 1946, c.144;

CHAPTER 74

An Act to amend the Powers of Attorney Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 5a,
enacted

5a.—(1) Where a provision referred to in section 5 is included in a power of attorney, the power of attorney may also include a provision as set out in Form 1 expressly excluding the operation of clauses 38 (1) (a) and (b) of the *Mental Health Act* in the event the donor is found not competent to manage his estate under that Act.

Powers of
attorney to
exclude
commit-
teeship
of Public
Trustee
under
R.S.O.1980,
c. 262, s. 38

(2) Where a power of attorney containing a provision referred to in section 5 is in effect on the day the *Powers of Attorney Amendment Act, 1983* comes into force and the donor of the power has legal incapacity on the 1st day of January, 1984, the power of attorney shall be deemed to contain the provision referred to in subsection (1).

Idem
1983, c. 74

2.—(1) Clause 8 (c) of the said Act is amended by adding at the end thereof “unless the power of attorney also contains the provision referred to in section 5a”.

s. 8 (c),
amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection:

s. 8,
amended

(2) A power of attorney that contains both the provisions referred to in sections 5 and 5a becomes invalid and of no effect upon the appointment of a committee of the estate of the donor by a court.

Effect of
commit-
teeship
by court
order

3. Form 1 of the said Act is repealed and the following substituted therefor:

Form 1,
re-enacted

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on

.....19....., by
(Date) (Donor)

of

1. I appoint of
(Attorney)

(or of
(Attorney)

and of
(Attorney)

jointly *or* jointly and severally) to be my attorney(s) in accordance with the *Powers of Attorney Act* and to do on my behalf anything that I can lawfully do by an attorney.

2. This power of attorney is subject to the following conditions and restrictions:

(N.B. This space may be left blank)

OPTIONAL PARAGRAPHS DEALING WITH SUBSEQUENT LEGAL INCAPACITY OF THE DONOR

3. (The following paragraph may be included if the donor wishes the authority granted by this power of attorney to continue notwithstanding any subsequent mental infirmity on his part:)

In accordance with the *Powers of Attorney Act*, I declare that this power of attorney may be exercised during any subsequent legal incapacity on my part.

4. (Where paragraph 3 is included, the following paragraph may also be included if the donor wishes to provide that the Public Trustee shall not be committee of the donor's estate where the donor enters a psychiatric facility and is certified by a physician to be not competent to manage his estate as provided by the *Mental Health Act*:)

In accordance with the *Powers of Attorney Act*, I declare that, after due consideration, I am satisfied that the authority conferred on the attorney(s) named in this power of attorney is adequate to provide for the competent and effectual management of all my estate in case I should become a patient in a psychiatric facility and be certified as not competent to manage my estate under the *Mental Health Act*. I therefore direct that in that event, the attorney(s) named in this power of attorney may retain this power of attorney for the management of my estate by complying with subsection 38 (2) of the *Mental Health Act* and in that case the Public Trustee shall not become committee of my estate as would otherwise be the case under clauses 38 (1) (a) and (b) of that Act.

(Note: Where this paragraph is included and the donor of a power enters a psychiatric facility, the attorney must notify the Public Trustee immediately, in writing, of his intention to manage all the estate by means of the power of attorney and supply the Public Trustee with a copy of it.)

WITNESSED BY:)
)
)
)
 (Signature of Witness))
)
)
)
 (Name of Witness))
)
)
)
 (Address))
)

..... (Donor)

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is the *Powers of Attorney Short title Amendment Act, 1983*.

CHAPTER 75

An Act to amend the Mental Health Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

s. 38,
amended

(2) Where the donee of a power of attorney that contains a provision referred to in section 5a of the *Powers of Attorney Act* satisfies the Public Trustee of the existence of the power and notifies the Public Trustee of the donee's intention to manage all the estate by means of the power of attorney, the committee-ship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated.

Notice of
power of
attorney
under
R.S.O.1980,
c. 386, s. 5a

(3) Where the committee-ship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated under subsection (2), the Supreme Court may, at any time upon the application of the Public Trustee, appoint him as committee of the estate of the donor of the power of attorney with all or any of the rights and powers conferred upon him by this Act with regard to the management of estates.

Appointment
of
Public
Trustee
as committee
by court
order

2. Section 42 of the said Act is amended by adding thereto the following clause:

s. 42,
amended

(ba) upon receipt of satisfactory evidence of a power of attorney that contains the provisions referred to in sections 5 and 5a of the *Powers of Attorney Act* and the notice referred to in subsection 38 (2).

3. Section 48 of the said Act is repealed.

s. 48,
repealed

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. The short title of this Act is the *Mental Health Amendment Act, 1983*.

Short title

CHAPTER 76

**An Act to amend the
Immunization of School Pupils Act, 1982**

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (a) of the *Immunization of School Pupils Act, 1982*, being chapter 41, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) “Board” means the Health Protection Appeal Board under the *Health Protection and Promotion Act*, 1983, c. 10 1983.

(2) Where, before subsection (1) comes into force, a proceeding has been commenced before the Health Facilities Appeal Board respecting an order made under the *Immunization of School Pupils Act, 1982*, and, Transition

(a) evidence has been given before the Health Facilities Appeal Board, clause 1 (a) of the said Act continues in force in respect of the proceeding as if not repealed and re-enacted by subsection (1); or

(b) evidence has not been given before the Health Facilities Appeal Board, the proceeding shall be transferred to and shall become a proceeding before the Health Protection Appeal Board and the Health Protection Appeal Board may give such directions to the parties as the Board considers proper in respect of the transfer of the proceeding.

2. Section 12 of the said Act is amended by adding thereto the following subsection: s. 12,
amended

(4a) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time at the request or with the consent of the person requiring the Time for
hearing

hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

Commence-
ment

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Immunization of School Pupils Amendment Act, 1983*.

CHAPTER 77

An Act to amend the Construction Lien Act, 1983

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Construction Lien Act, 1983*, being chapter 6, is amended by adding thereto the following paragraphs: s. 1 (1),
amended

7a. “home” means,

- i. a self-contained one-family dwelling, detached or attached to one or more others by a common wall,
- ii. a building composed of two self-contained, one-family dwellings under one ownership, or
- iii. a condominium one-family dwelling unit, including the common interests appurtenant thereto,

and includes any structure or works used in conjunction therewith;

7b. “home buyer” means a person who buys the interest of an owner in a premises that is a home, whether built or not at the time the agreement of purchase and sale in respect thereof is entered into, provided,

- i. not more than 30 per cent of the purchase price, excluding money held in trust under section 53 of the *Condominium Act*, is paid prior to the conveyance, and
- ii. the home is not conveyed until it is ready for occupancy, evidenced in the case of a new home by the issuance of a municipal permit

R.S.O. 1980,
c. 84

R.S.O. 1980,
c. 350

authorizing occupancy or the issuance under the *Ontario New Home Warranties Plan Act* of a certificate of completion and possession.

s. 1 (1),
par. 15,
amended

(2) Paragraph 15 of subsection 1 (1) of the said Act is amended by adding at the end thereof “but does not include a home buyer”.

s. 1 (1),
par. 29,
amended

(3) Paragraph 29 of the said subsection 1 (1) is amended by striking out “lien claimant” in the second line and inserting in lieu thereof “person having a lien”.

s. 3 (3),
re-enacted

2. Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

Architects
and their
employees
do not have
lien

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* and the employees thereof do not have a lien.

R.S.O.1980,
c. 26

s. 5,
amended

3. Section 5 of the said Act is amended by adding thereto the following subsection:

Retention
of holdbacks
authorized

(2) Without restricting the generality of subsection (1), where the purchaser is an owner, an agreement of purchase and sale that provides for the making or completion of an improvement shall be deemed to provide for the retention of holdbacks by the purchaser, and tender by the purchaser on closing is not defective by reason only that the purchaser does not tender the amount of the holdbacks.

s. 20,
amended

4. Section 20 of the said Act is amended by adding thereto the following subsection:

Where
subs. (1)
does not
apply

(2) Subsection (1) does not apply and no general lien arises under or in respect of a contract that provides in writing that liens shall arise and expire on a lot-by-lot basis.

s. 36,
amended

5. Section 36 of the said Act is amended by adding thereto the following subsection:

Where
period
of credit
extended

(6) A person who has preserved a lien, but who has extended a period of credit for the payment of the amount to which the lien relates, may commence an action for the purpose of perfecting his lien even though the period of credit has not at the time expired.

6. Subsection 37 (2) of the said Act is amended by striking out “an application” in the first and second lines and inserting in lieu thereof “a motion”. s. 37 (2),
amended

7.—(1) Paragraph 1 of subsection 39 (1) of the said Act is amended by adding thereto the following subparagraph: s. 39 (1),
par.1,
amended

- v. a statement of whether the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

(2) Subsection 39 (1) of the said Act is amended by adding thereto the following paragraph: s. 39 (1),
amended

- 3. By an owner who is selling his interest in a premises that is a home, with,

- i. the name and address of the purchaser, the sale price, the amount of the purchase price paid or to be paid prior to the conveyance, the scheduled date of the conveyance and the lot and plan number or other legal description of the premises as contained in the agreement of purchase and sale, and

- ii. the date on which a permit authorizing occupancy or a certificate of completion and possession has been issued.

8. Subsection 44 (4) of the said Act is amended by striking out “application” in the fourth line and inserting in lieu thereof “motion”. s. 44 (4),
amended

9.—(1) Subsection 80 (5) of the said Act is repealed and the following substituted therefor: s. 80 (5),
re-enacted

(5) Where a mortgage affecting the owner’s interest in the premises is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV. Special
priority
against
subsequent
mortgages

(2) Subsection 80 (10) of the said Act is repealed and the following substituted therefor: s. 80 (10),
re-enacted

(10) A purchaser who takes title from a mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5) where, Financial
guarantee
bond

R.S.O. 1980,
c. 192

(a) a financial guarantee bond issued by a guarantee company to which the *Guarantee Companies Securities Act* applies; or

1980-81, c. 40
(Can.)

(b) a letter of credit or a guarantee from a bank named in Schedule A or B to the *Bank Act* (Canada),

in a form prescribed is registered on the title to the premises, and, upon registration, the security of the bond, letter of credit or the guarantee takes the place of the priority created by those subsections, and persons who have proved liens have a right of action against the surety on the bond or guarantee or the issuer of the letter of credit.

Home
buyer's
mortgage

(11) Subsections (2) and (5) do not apply to a mortgage given or assumed by a home buyer.

Commence-
ment

10. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

11. The short title of this Act is the *Construction Lien Amendment Act, 1983*.

CHAPTER 78

An Act respecting the Benefits of
Provincial Judges and Masters

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Section 100 of the *Judicature Act*, being chapter 223 of
the Revised Statutes of Ontario, 1980, is amended by adding
thereto the following subsections:

R.S.O. 1980,
c. 223, s. 100,
amended

(1a) Regulations made under clause (1) (b) may require
masters to contribute from their salaries part of the cost of ben-
efits and may fix the amount of the contributions.

Contri-
butions

(1b) A regulation made under clause (1) (b) may modify or
exclude the application of the *Public Service Superannuation*
Act.

Application
of
R.S.O. 1980,
c. 419

(1c) A regulation made under clause (1) (b) may be general
or particular in its application.

Application
of s. (1) (b)

2.—(1) Section 34 of the *Provincial Courts Act*, being chap-
ter 398 of the Revised Statutes of Ontario, 1980, is amended by
adding thereto the following subsections:

R.S.O. 1980,
c. 398, s. 34,
amended

(1a) Regulations made under clause (1) (d) may require
judges to contribute from their salaries part of the cost of bene-
fits and may fix the amount of the contributions.

Contri-
butions

(1b) A regulation made under clause (1) (d) may modify or
exclude the application of the *Public Service Superannuation*
Act.

Application
of
R.S.O. 1980,
c. 419

(2) The said Act is amended by adding thereto the following
section:

R.S.O. 1980,
c. 398, s. 35,
enacted

35.—(1) There shall be a committee to be known as the
Ontario Provincial Courts Committee, composed of three
members, of whom,

Ontario
Provincial
Courts
Committee

- (a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);
- (b) one shall be appointed by the Lieutenant Governor in Council; and
- (c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

Functions

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 34 (1) (c) and (d).

Annual report

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Tabling of recommendations

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session.

R.S.O. 1980, c. 419, s. 26, re-enacted

3. Section 26 of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Provincial judges and masters

R.S.O. 1980, cc. 398, 223

26. This Act applies to every full-time provincial judge and to every full-time master of the Supreme Court, subject to the *Provincial Courts Act* and the *Judicature Act* and the regulations under those Acts.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Provincial Judges and Masters Statute Law Amendment Act, 1983*.

CHAPTER 79

An Act to amend the
Public Commercial Vehicles Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 10b,
enacted

10b.—(1) Any holder of an operating licence that was issued pursuant to an application sent to the Board before the 21st day of June, 1983, may apply for a rewritten certificate by sending an application therefor to the Minister.

Application
for rewritten
certificate

(2) The Minister shall refer all applications for rewritten certificates to the Board.

Referral
to Board

(3) The Board, on receipt of an application for a rewritten certificate, shall hold a hearing in respect of the application.

Board to
hold
hearing

(4) Every operating licence referred to in subsection (1) constitutes indisputable evidence that the holder of the licence has satisfied the requirement of public necessity and convenience.

Licence is
evidence of
necessity

(5) Only the applicant and the Minister are parties to a hearing under subsection (3).

Parties

(6) After a hearing under subsection (3), the Board may propose to issue a rewritten certificate,

Proposal to
issue
rewritten
certificate

- (a) revising a previous certificate; or
- (b) consolidating several certificates,

issued in respect of the applicant, incorporating such amendments as the Board considers appropriate.

Limitations
re
rewritten
certificates

(7) No rewritten certificate shall set out operating rights that,

- (a) in any way are less than the applicant has; or
- (b) are significantly greater than the applicant has except to the extent necessary to conform with the regulations in force at the time the certificate is rewritten.

R.S.O. 1980,
c. 338, s. 22,
does not
apply

(8) Section 22 of the *Ontario Highway Transport Board Act* does not apply to a decision under subsection (3) or (16).

Notice of
proposal

(9) If the Board proposes to issue a rewritten certificate, it shall cause notice of its proposal to be published in *The Ontario Gazette*.

Objection

(10) Any person other than the applicant objecting to the issuing of a rewritten certificate may file with the Board an objection within thirty days after publication of notice thereof in *The Ontario Gazette*.

Service

(11) Every objector shall serve a copy of the objection on the appropriate applicant on or before the day the objection is filed.

Information
contained in
objections

(12) Every objection filed under subsection (10),

- (a) must be signed by the objector or by his solicitor on his behalf;
- (b) must contain a clear and concise statement of the grounds on which the proposed rewritten certificate is opposed;
- (c) must contain the name and address of the objector and of his solicitor, if any; and
- (d) must contain proof of service as required by subsection (10).

Where no
objection

(13) If an objection has not been filed and served in accordance with subsections (10) and (11), the Board shall issue the rewritten certificate that it proposed.

Hearing set

(14) Where an objection is filed, the Board shall cause a notice of hearing to be published in *The Ontario Gazette* identifying the proposed rewritten certificate, stating the nature of the objection and fixing the time, date and place of a hearing of the matter.

(15) The only grounds for an objection under this section are that a proposed rewritten certificate does not comply with subsection (7).

Grounds for objection

(16) After a hearing held as a result of an objection, the Board shall issue the rewritten certificate that it proposed or issue a rewritten certificate in an amended form.

Result of hearing

(17) Every rewritten certificate issued under subsection (13) or (16) shall be sent to the Minister to be held by him.

Certificates held by Minister

(18) Except under and in accordance with further enactment of the Legislature,

Effect of rewritten certificate

(a) a rewritten certificate has no effect; and

(b) a licence shall not be issued in accordance with a rewritten certificate.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

3. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1983*.

Short title

CHAPTER 80

An Act to amend certain Statutes relating to the Commission of Offences by Young Persons

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PROVINCIAL OFFENCES ACT

1. The *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part: Part V-A,
(ss. 91a-91q),
enacted

PART V-A

YOUNG PERSONS

91a. In this Part,

Interpre-
tation

- (a) “parent”, when used with reference to a young person, includes an adult with whom the young person ordinarily resides;
- (b) “young person” means a person who is or, in the absence of evidence to the contrary, appears to be,
 - (i) twelve years of age or more, but
 - (ii) under sixteen years of age,

and includes a person sixteen years of age or more charged with having committed an offence while he was twelve years of age or more but under sixteen years of age.

91b. No person shall be convicted of an offence committed while he was under twelve years of age. Minimum
age

Offence
notice not
to be used

91c. A proceeding commenced against a young person by certificate of offence shall not be initiated by an offence notice under clause 3 (2) (a).

Notice to
parent

91d.—(1) Where a summons is served upon a young person or a young person is released on a recognizance under this Act, the provincial offences officer, in the case of a summons, or the officer in charge, in the case of a recognizance, shall as soon as practicable give notice to a parent of the young person by delivering a copy of the summons or recognizance to the parent.

Where no
notice given

(2) Where notice has not been given under subsection (1) and no person to whom notice could have been given appears with the young person, the court may,

- (a) adjourn the hearing to another time to permit notice to be given; or
- (b) dispense with notice.

Saving

(3) Failure to give notice to a parent under subsection (1) does not in itself invalidate the proceedings against the young person.

Sentence
where
proceedings
commenced
by certificate

91e.—(1) Notwithstanding subsection 12 (1), where a young person is found guilty of an offence in proceedings commenced by certificate, the court may,

- (a) convict the young person and,
 - (i) order the young person to pay a fine not exceeding the set fine that would be payable for the offence by an adult, the maximum fine prescribed for the offence, or \$300, whichever is the least, or
 - (ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or

- (b) discharge the young person absolutely.

Term of
probation
order

(2) Section 72 applies with necessary modifications to a probation order made under subclause (1) (a) (ii), in the same manner as if the proceedings were commenced by information, except that the probation order shall not remain in force for more than ninety days from the date when it takes effect.

(3) Subsection 12 (2) applies with necessary modifications where a young person is convicted of an offence in proceedings initiated by summons, in the same manner as if the proceedings were initiated by offence notice.

s. 12 (2) applies where proceedings initiated by summons

91f.—(1) Subject to subsection 53 (1) and subsection (2), a young person shall be present in court during the whole of his trial.

Young person to be present at trial

(2) The court may permit a young person to be absent during the whole or any part of his trial, on such conditions as the court considers proper.

Court may permit absence

(3) Sections 43 and 55 do not apply to a young person who is a defendant.

Application of ss. 43, 55

(4) Where a young person who is a defendant does not appear at the time and place appointed for a hearing and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that a summons was served, an undertaking to appear was given or a recognizance to appear was entered into, as the case may be, or where the young person does not appear upon the resumption of a hearing that has been adjourned, the court may adjourn the hearing and issue a summons to appear or issue a warrant in the prescribed form for the arrest of the young person.

Failure of young person to appear

(5) Where a young person does not attend personally in response to a summons issued under section 52 and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that the summons was served, the court may adjourn the hearing and issue a further summons or issue a warrant in the prescribed form for the arrest of the young person.

Compelling young person's attendance

91g.—(1) No person shall publish by any means a report,

(a) of an offence committed or alleged to have been committed by a young person; or

(b) of a hearing, adjudication, sentence or appeal concerning a young person who committed or is alleged to have committed an offence,

Identity of young person not to be published

in which the name of or any information serving to identify the young person is disclosed.

(2) Every person who contravenes subsection (1) and every director, officer or employee of a corporation who authorizes, permits or acquiesces in a contravention of subsection (1) by

Offence

the corporation is guilty of an offence and is liable on conviction to a fine of not more than \$10,000.

Pre-sentence
report

91h.—(1) Section 57 applies with necessary modifications where a young person is convicted of an offence in a proceeding commenced by certificate of offence, in the same manner as if the proceeding were commenced by information.

Pre-sentence
report
mandatory
where
imprisonment
considered

(2) Where a young person who is bound by a probation order is convicted of an offence under section 75 and the court is considering imposing a sentence of imprisonment, the court shall direct a probation officer to prepare and file with the court a report in writing relating to the defendant for the purpose of assisting the court in imposing sentence, and the clerk of the court shall cause a copy of the report to be provided to the defendant or his counsel or agent and to the prosecutor.

Penalties
limited

91i.—(1) Notwithstanding the provisions of this or any other Act, no young person shall be sentenced,

- (a) to be imprisoned, except under clause 75 (d); or
- (b) to pay a fine exceeding \$1,000.

Sentence
where
proceedings
commenced
by
information

(2) Where a young person is found guilty of an offence in proceedings commenced by information, the court may,

- (a) convict the young person and,
 - (i) order the young person to pay a fine not exceeding the maximum prescribed for the offence or \$1,000, whichever is less, or
 - (ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or
- (b) discharge the young person absolutely.

Term of
probation
order

(3) A probation order made under subclause (2) (a) (ii) shall not remain in force for more than one year from the date when it takes effect.

No imprisonment
for non-payment
of fine

91j.—(1) No warrant of committal shall be issued against a young person under section 70.

Probation
order in
lieu of
imprisonment

(2) Where it would be appropriate, but for subsection (1), to issue a warrant against a young person under subsection 70 (3) or (4), a judge may direct that the young person comply with

the conditions prescribed in a probation order, where the young person has been given fifteen days notice of the intent to make a probation order and has had an opportunity to be heard.

(3) A probation order made under subsection (2) shall not remain in force for more than ninety days from the date when it takes effect.

Term of probation order

91k. Where a young person is sentenced to a term of imprisonment for breach of probation under clause 75 (d), the term of imprisonment shall be served in a place of open custody designated under section 24 of the *Young Offenders Act* (Canada).

Open custody

29-30-31, Eliz. II, c. 110

91l. In a proceeding under this Act, a parent’s testimony as to a young person’s age and any other evidence of a young person’s age that the court considers credible or trustworthy in the circumstances are admissible.

Evidence of young person’s age

91m. Where the defendant is a young person, an appeal under subsection 118 (1) shall be to the county or district court of the county or district in which the adjudication was made, but the procedures and the powers of the court and any appeal from the judgment of the court shall be the same as if the appeal were to the provincial court (criminal division).

Appeal

91n. No person shall exercise an authority under this or any other Act to arrest a young person without warrant unless the person has reasonable and probable grounds to believe that it is necessary in the public interest to do so in order to,

Arrest without warrant limited

- (a) establish the young person’s identity; or
- (b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or to the person or property of another.

91o.—(1) Section 133 does not apply to a young person who has been arrested.

s. 133 does not apply

(2) Where a police officer acting under a warrant or other power of arrest arrests a young person, the police officer shall, as soon as is practicable, release the young person from custody unconditionally or after serving him with a summons unless he has reasonable and probable grounds to believe that it is necessary in the public interest for the young person to be detained in order to,

Release after arrest by officer

- (a) establish the young person’s identity; or

- (b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or the person or property of another.

Release
by officer
in charge

(3) Where a young person is not released from custody under subsection (2), the police officer shall deliver him to the officer in charge who shall, where in his opinion the conditions set out in clause (2) (a) or (b) do not or no longer exist, release the young person,

- (a) unconditionally;
- (b) upon serving him with a summons; or
- (c) upon his entering into a recognizance in the prescribed form without sureties conditioned for his appearance in court.

Notice to
parent

(4) Where the officer in charge does not release the young person under subsection (3), the officer in charge shall as soon as possible notify a parent of the young person by advising the parent, orally or in writing, of the young person's arrest, the reason for the arrest and the place of detention.

ss. 134, 135
apply

(5) Sections 134 and 135 apply with necessary modifications to the release of a young person from custody under this section.

Place of
custody

(6) No young person who is detained under section 134 shall be detained in any part of a place in which an adult who has been charged with or convicted of an offence is detained unless a justice so authorizes, on being satisfied that,

- (a) the young person cannot, having regard to the young person's own safety or the safety of others, be detained in a place of temporary detention for young persons; or
- (b) no place of temporary detention for young persons is available within a reasonable distance.

Idem

29-30-31,
Eliz. II,
c. 110

(7) Wherever practicable, a young person who is detained in custody shall be detained in a place of temporary detention designated under subsection 7 (1) of the *Young Offenders Act* (Canada).

Functions of
justice of
peace
limited

91p. The functions of a justice with respect to a defendant who is a young person shall be performed only by a judge, except under Parts III and VII.

91q. This Part applies to proceedings commenced after this Part comes into force. Application

PROVINCIAL COURTS ACT

2.—(1) Section 10 of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 10, amended

(2a) The Chief Judge of the Provincial Courts (Family Division) is the chief judge of the provincial courts (family division) sitting as provincial offences courts. Where family court sits as provincial offences court

(2b) Subsection (2) and subsection 19 (1) do not apply to the Unified Family Court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

(2) Section 18 of the said Act is amended by adding thereto the following subsection: s. 18, amended

(3) Notwithstanding subsection (2), a proceeding in a provincial offences court against a young person shall be conducted in the provincial court (family division) in the same county or district, or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as a provincial offences court. Exception: young persons

(3) Clause 23 (2) (b) of the said Act is repealed and the following substituted therefor: s. 23 (2) (b), re-enacted

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*. R.S.O. 1980, c. 400

(4) Section 33 of the said Act is amended by adding thereto the following subsections: s. 33, amended

(2a) The clerk of a provincial court (family division) is the clerk of that court sitting as a provincial offences court. Where family court sits as provincial offences court

(2b) The clerk of the Unified Family Court is the clerk of that court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

UNIFIED FAMILY COURT ACT

s. 16 (b),
re-enacted

3. Clause 16 (b) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

R.S.O. 1980,
c. 400

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*.

Commence-
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Provincial Offences Statute Law Amendment Act, 1983*.

CHAPTER 81

An Act to amend the Retail Sales Tax Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 76 of subsection 5 (1) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by striking out “8th day of November, 1983” in the seventh line and inserting in lieu thereof “1st day of January, 1984”. s. 5 (1),
par. 76,
amended

(2) Clause (c) of paragraph 77 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 48, section 1, is amended by striking out “8th day of November, 1983” in the third and fourth lines and inserting in lieu thereof “1st day of January, 1984”. s. 5 (1),
par. 77,
cl. (c),
amended

2. This Act shall be deemed to have come into force on the 18th day of October, 1983. Commence-
ment

3. The short title of this Act is the *Retail Sales Tax Amendment Act, 1983 (No. 3)*. Short title

CHAPTER 82

An Act to amend the Planning Act, 1983

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 74 (3) (b) and (f) of the *Planning Act, 1983*, being chapter 1, are repealed. s. 74 (3)
(b, f),
repealed

(2) Section 74 of the said Act is amended by adding thereto the following subsections: s. 74,
amended

(4) Despite clause (3) (a), where a request to initiate an amendment to an official plan was received by a council before the 1st day of August, 1983, Request
to amend
official plan,
disposition of

(a) if the council refuses to propose the amendment or fails to propose it within thirty days from the receipt of the request and the person who made the request requests the Minister to refer the proposal to the Municipal Board, the matter shall be continued and finally disposed of under the former Act; or

(b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter. R.S.O. 1980,
c. 347

(5) In the case of a request to initiate an amendment to an official plan that is continued and finally disposed of under the former Act as mentioned in subsection (4), the provisions of section 17 of the former Act pertaining to the obtaining of a planning board report do not apply. Report of
planning
board

(6) Despite clause (3) (e), where an application to amend a zoning by-law was received by a council before the 1st day of August, 1983, Request
to amend
zoning
by-law,
disposition of

- (a) if the council refuses the application or refuses or neglects to make a decision thereon within one month after the receipt of the application and the applicant appeals to the Municipal Board, the matter shall be continued and finally disposed of under the former Act;
- (b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter.

R.S.O. 1980,
c. 347

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of August, 1983.

Short title

3. The short title of this Act is the *Planning Amendment Act, 1983*.

CHAPTER 83

An Act to amend the Building Code Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 19 (1) of the *Building Code Act*, being chapter 51 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

s. 19 (1),
amended

- (oa) permitting chief officials, subject to such conditions as are set out in the regulations, to allow the use of materials, techniques and designs that are other than those prescribed by the regulations with respect to construction in relation to an existing building;
- (ob) requiring the alteration of any part or parts of an existing building where construction in relation to the building affects the part or parts.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Building Code Amendment Act, 1983*.

Short title

CHAPTER 84

An Act to revise the Teachers’ Superannuation Act

Assented to December 16th, 1983

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	80. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

- 1.—(1) In this Act,
- (a) “average salary”, of a person, means the person’s average salary for the five years during which the person’s salary was highest;
 - (b) “Bank of Canada rate” means the rate of interest set by the Bank of Canada for loans by the Bank of Canada to the chartered banks, as published by the Bank of Canada;
 - (c) “board” has the same meaning as in the *Education Act*;
 - (d) “child” has the same meaning as in the *Family Law Reform Act*;
 - (e) “Commission” means Teachers’ Superannuation Commission;

R.S.O. 1980,
c. 129

R.S.O. 1980,
c. 152

- (f) “Commission bank account” means the account kept in a chartered bank of Canada under this Act in the name of the Treasurer as custodian of the Fund;
- (g) “debenture rate”, in relation to a fiscal year, means the weighted average of the rate of interest of the Province of Ontario debentures issued in the fiscal year under section 72;
- (h) “designated organization” means an organization designated by the Lieutenant Governor in Council for the purpose of this Act and the regulations;
- (i) “designated private school” means a school, college, academy or other educational institution designated by the Lieutenant Governor in Council as a private school for the purpose of this Act and the regulations;
- (j) “employed in education” means engaged for any period,
 - (i) as a teacher in a school within the meaning of the *Education Act*, R.S.O. 1980,
c. 129
 - (ii) as a teacher in a school or class prescribed by the regulations,
 - (iii) as a teacher in a school outside Ontario under a teacher exchange system authorized by the Minister of Education,
 - (iv) as a teacher by the minister of a ministry of the Government of Ontario,
 - (v) as a teacher on the staff of the faculty of education of an Ontario university,
 - (vi) as a teacher in a designated private school,
 - (vii) as an employee by a board or in the Ministry of Education,
 - (viii) by the Minister of Education or a board in any capacity prescribed by the regulations,
 - (ix) as an employee of a designated organization in a capacity prescribed by the regulations,

but no person shall be deemed to be employed in education who,

R.S.O. 1980,
c. 129

(x) is not qualified as a teacher under the *Education Act* and the regulations under that Act,

(xi) is regularly engaged outside Ontario and who is performing services in Ontario under a teacher exchange system approved by the Minister of Education, or

R.S.C. 1970,
c. C-5

(xii) is a contributor to a fund to which the Crown contributes except the Teachers' Superannuation Fund, the Superannuation Adjustment Fund and the *Canada Pension Plan*,

and "employment in education" has a corresponding meaning;

(k) "employer", in relation to a person employed in education, means employer in relation to the person's employment in education;

R.S.O. 1980,
c. 291

(l) "fiscal year" has the same meaning as in the *Ministry of Treasury and Economics Act*;

(m) "Fund" means Teachers' Superannuation Fund;

(n) "Fund rate", in relation to a year, means the weighted average yield of the debentures held by the Fund as at the 31st day of December in the previous year;

(o) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned;

(p) "regulations" means regulations made under this Act;

(q) "salary" means remuneration paid for services in employment in education, and includes a cost of living allowance paid in relation to the remuneration;

(r) "school year" means the period from and including the 1st day of September in one year to and including the 31st day of August in the next year;

R.S.O. 1980,
c. 152

(s) "spouse" has the same meaning as in Part II of the *Family Law Reform Act*;

- (t) “Treasurer” means Treasurer of Ontario and Minister of Economics;
- (u) “unfunded liability base” means the unfunded liability of the Fund as of the 31st day of December, 1981 according to the 1981 Revised Valuation of the Fund by the actuary of the Commission;
- (v) “unfunded liability of the Fund” means the amount by which the assets of the Fund are less than the liabilities of the Fund;
- (w) “Year’s Maximum Pensionable Earnings Average”, of a person, means the average of the Year’s Maximum Pensionable Earnings under the *Canada Pension Plan* of the year in which the person ceased to be employed in education and each of the two preceding years.

R.S. C. 1970,
c.C-5

(2) Every person,

Teacher

- (a) to whom the Minister of Education has granted a certificate of qualification or a letter of standing; or
- (b) in respect of whom the Minister of Education has granted a letter of permission to a board,

shall be deemed to be qualified as a teacher for the purposes of this Act so long as the certificate of qualification, letter of standing, or letter of permission granted in respect of the person remains valid. R.S.O. 1980, c. 494, s. 1.

(3) For the purposes of this Act, “salary” does not include remuneration for services other than services in employment in education, does not include payment of an amount for expenses (whether the amount is accountable or non-accountable), does not include a perquisite related to employment, does not include payment related to accumulated sick leave or other benefit credits, and does not include payment related to retirement or severance from employment, whether or not the remuneration, payment or perquisite is a term or condition of employment in education. R.S.O. 1980, c. 494, s. 24 (4, 5).

Salary

(4) For the purpose of computing the annual superannuation allowance or disability allowance to which a person is entitled under this Act, a person is entitled to a year of credit in the Fund for each school year, and to a proportionate part of a year of credit in the Fund for each part of a school year, for which contributions are made to the Fund by or on behalf of the person. R.S.O. 1980, c. 494, s. 29 (6).

Credit
for
service

Age of
child
attending
school

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Commission as a place of higher education, shall be deemed not to have attained the age of eighteen years. R.S.O. 1980, c. 494, s. 36 (5).

Vested
interest
in
allowance

(6) For the purpose of determining entitlement to a survivor allowance related to an allowance under this Act, the person who, upon ceasing to be employed in education, is or would be entitled to the allowance under this Act has a vested interest in the allowance under this Act.

Bank of
Canada
rate

(7) For the purpose of establishing the Bank of Canada rate, the periodic publication entitled the Bank of Canada Review purporting to be published by the Bank of Canada is admissible in evidence as conclusive proof of the Bank of Canada rate as set out therein, without further proof of the authenticity of the publication. *New.*

CONTRIBUTIONS

Contribution
rates
R.S.C. 1970,
c. C-5

2.—(1) Every person employed in education who contributes under the *Canada Pension Plan* shall contribute to the Fund from the salary paid to the person for the calendar year,

- (a) 6.9 per cent of the part thereof below the Year's Basic Exemption as prescribed by the *Canada Pension Plan*;
- (b) 5.1 per cent of the part thereof between the Year's Basic Exemption and the Year's Maximum Pensionable Earnings as prescribed by the *Canada Pension Plan*; and
- (c) 6.9 per cent of the part thereof in excess of the Year's Maximum Pensionable Earnings.

Idem

(2) Every person employed in education who does not contribute under the *Canada Pension Plan* shall contribute to the Fund 6.9 per cent of salary.

Salaries
under
\$10,000

(3) Where the annual rate of salary is less than \$10,000, it shall, for the purposes of this section, be deemed to be at the annual rate of \$10,000. R.S.O. 1980, c. 494, s. 24 (1-3).

Exception

(4) Subsections (1) and (2) do not apply to a person in a designated private school or a designated organization who elects

in accordance with this Act to be excluded from the benefits and obligations of this Act. *New.*

3.—(1) In this section, “due date”, in relation to a contribution, means the date on which the employer is required by subsection (3) to deliver the contribution to the Commission.

Interpre-
tation

(2) The employer of a person employed in education shall deduct the amount the person is required to contribute to the Fund from the salary paid to the person.

Deductions
by
employer

(3) The employer, on or before but not later than the last day of each month in which the salary is paid, shall deliver to the Commission, the amount deducted or shall deposit the amount deducted in the Commission bank account.

Transfer
of
contribution

(4) Interest is payable by the employer to the Commission on the amount of each contribution due under subsection (3) from the date the contribution is due to the date the contribution is delivered to the Commission or deposited in the Commission bank account.

Interest

(5) The rate at which the interest is payable is the Bank of Canada rate in effect on the date the contribution is due under subsection (3) plus 4 per cent.

Rate
of
interest

(6) Interest payable under subsection (4) shall be compounded annually on the anniversary of the due date of the contribution in respect of which the interest is payable.

Compound
interest

(7) Every employer of persons employed in education shall report to the Commission from time to time as required by the Commission in respect of contributions deducted. R.S.O. 1980, c. 494, s. 25 (1-4).

Reports

4.—(1) In this section, “agreement” means agreement to provide an income in the event of a long term disability to a person who contributes to the Fund.

Interpre-
tation

(2) An agreement between the Minister of Education, a board, the Ontario Teachers' Federation, an affiliate as defined in the *School Boards and Teachers Collective Negotiations Act* or any other authority approved by the Commission and an insurer within the meaning of the *Insurance Act* is not effective for the purposes of this Act unless approved by the Commission.

Long
term
disability
income
plans
R.S.O. 1980,
cc. 464, 218

(3) The Commission shall accept a contribution made by the insurer or by the employer or former employer, as the case may be, in accordance with an agreement approved by the Commis-

Recipient's
contributions

sion on behalf of a person who contributes to the Fund for each month in respect of which the person receives a payment under the agreement where the contribution by the insurer or employer is made on or before the fifteenth day of the month next following the payment, except where the person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contributions shall, subject to subsection (5), be 6.9 per cent of the annual rate of salary paid to the person immediately before the cessation of the person's employment in education.

Idem

R.S.O. 1980,
c. 418

(4) Where a person who is employed in education qualifies or has qualified for a benefit in respect of a disability incurred on or after the 1st day of July, 1974 under a long term income protection plan established under the *Public Service Act*, whether or not the person is in receipt of the benefit, a contribution of 6.9 per cent of the salary of the person in the month next preceding the month in which the person qualifies or qualified for the benefit shall be made to the Fund on behalf of the person out of moneys appropriated therefor by the Legislature for each month or part of a month for which the person continues to qualify for the benefit, and the person shall be given credit in the Fund for the period of time for which the contribution is made.

Adjustment
in line
with cost
of living

(5) Where an agreement approved by the Commission provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection (3) shall be increased or decreased, without limitation, in proportion to the increase or decrease in the cost of living.

Adjustments
not
provided
for in
agreement

(6) An additional contribution may be made to the Fund by or for a person mentioned in subsection (1) under an agreement approved by the Commission that does not provide for payments to vary from time to time in accordance with the cost of living.

Amount of
additional
contribution

R.S.O. 1980,
c. 490

(7) The amount of an additional contribution under subsection (6) shall be equal to 6.9 per cent of the amount of the increase in the annual rate of salary that would be paid to the person if the annual rate of salary were increased in each year after the person ceased to be employed in education in the same manner as a pension would be increased in each year under the *Superannuation Adjustment Benefits Act* without adjustment to reduce or increase the Consumer Price Index ratio determined under that Act.

Application
of additional
contributions

(8) An additional contribution under subsection (6) may be made in any year after the first year of contribution but applies

only in respect of the year in which the contribution is made.
R.S.O. 1980, c. 494, s. 39.

5.—(1) The Treasurer shall deposit in the Commission bank account on the 1st day of January in each year from the Consolidated Revenue Fund an amount equal to the contributions made to the Fund during the year before the preceding year by or on behalf of persons employed in education.

Contributions
by
Province

(2) Subsection (1) does not apply in respect of a person employed in education within the meaning of subclause 1 (1) (j) (v), (vi) or (ix).

Exceptions

(3) Subsection (1) does not apply in respect of persons who under the regulations are themselves required to pay a sum in lieu of the sum that would otherwise be paid by the Treasurer under subsection (1). R.S.O. 1980, c. 494, s. 26 (1, 2), *part*.

Idem

(4) Subsection (1) applies in respect of contributions made to the Fund in accordance with section 4 (which relates to long term disability agreements). R.S.O. 1980, c. 494, s. 39 (4).

Amounts
related to
contributions
under long
term
disability
agreements

6.—(1) The Treasurer shall pay interest on the sums placed to the credit of the Fund by the Treasurer under section 5 at the debenture rate for the fiscal year next preceding the fiscal year in which the sum is placed to the credit of the Fund.

Interest
payable
by
Treasurer

(2) The interest on a sum mentioned in subsection (1) is payable from the 1st day of June in the fiscal year preceding the fiscal year in which the sum is placed to the credit of the Fund to the date that the sum is placed to the credit of the Fund. R.S.O. 1980, c. 494, s. 27.

Term

7.—(1) An organization that employs a person mentioned in subsection 5 (2), on or before the last day of each month in which the organization pays salary to the person for employment in education, shall deliver to the Commission or shall deposit in the Commission bank account an amount equal to the contributions made to the Fund by or on behalf of the persons employed in education by the organization.

Contributions
by
certain
organiza-
tions

(2) Interest is payable by the organization to the Commission on amounts mentioned in subsection (1) at the same rate and for the same period of time mentioned in section 3. R.S.O. 1980, c. 494, s. 26 (2) (b).

Interest
payable
by
organiza-
tion

Deficiency

8. When the payments into the Fund in any year are insufficient to make the required payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1980, c. 494, s. 12.

Private schools

9.—(1) The Lieutenant Governor in Council by order may designate a school, college, academy or other educational institution that meets the criteria set out in subsection (3) as a private school for the purpose of this Act and the regulations.

Effective date of designation

(2) A designation under subsection (1) comes into force on the 1st day of September next following the designation.

Criteria

(3) The criteria referred to in subsection (1) are that the school, college, academy or other educational institution,

- (a) is giving instruction equivalent to that given in elementary schools or secondary schools in Ontario;
- (b) is not operated for profit or gain and the profits, if any, are used to carry out its objects;
- (c) is not supported in any way by school taxes or by provincial or municipal grants; and
- (d) by its governing body, undertakes in writing,
 - (i) to make such annual reports to the Commission as the Commission may require for the purpose of the administration of this Act and to supply such information as to its constitution, operations, teaching staff and otherwise as the Commission may require,
 - (ii) to pay monthly to the Commission, for those persons on its teaching staff who are contributors to the Fund, the moneys that an employer of persons employed in education is required by this Act to deduct and deliver to the Commission, together with a sum calculated thereon at a rate equal to the rate according to which the Treasurer places sums, related to the moneys that employers of persons employed in education deduct and deliver to the Commission, to the credit of the Fund under this Act, and
 - (iii) to perform any administrative functions necessary as an employer for the administration of this Act and the regulations.

(4) A teacher in a designated private school may establish credit in the Fund under this section only in respect of teaching service rendered while qualified as a teacher under the *Education Act* and the regulations under that Act.

Qualifications of teacher
R.S.O. 1980, c. 129

(5) A teacher in a designated private school may establish credit in the Fund under this section only in respect of teaching service equivalent to that given in elementary schools or secondary schools in Ontario.

Nature of teaching service

(6) A teacher in a designated private school who has established credit in the Fund under this section is entitled to establish credit in the Fund in respect of past teaching service in a designated private school in accordance with the regulations, to re-establish credit in the Fund in respect of past teaching service in any other school in accordance with this Act and to establish credit in the Fund in respect of active service in accordance with the regulations.

Past teaching service

(7) The salary of a teacher who contributes to the Fund in relation to employment in a designated private school and who receives board or lodging related to employment by a designated private school shall be deemed to be such amount, having regard for the board or lodging, as is determined by the Commission.

Value of board or lodging as part of salary

(8) A person who is a teacher in a school, college, academy or other educational institution on the date it is designated under subsection (1) may elect to be excluded from the benefits and obligations of this Act while employed in a designated private school.

Exception

(9) An election under subsection (8) is not effective unless given in writing to the governing body of the designated private school and to the Commission,

Idem, notice

- (a) where the person is qualified as a teacher under the *Education Act* and the regulations under that Act when the designation becomes effective, not later than three months after the date when the designation becomes effective; or
- (b) where the person becomes qualified as a teacher under the *Education Act* and the regulations under that Act after the date when the designation becomes effective, not later than three months after the person becomes so qualified.

Termination of designation	(10) Upon the recommendation of the Minister, the Lieutenant Governor in Council by order may terminate the designation of a designated private school.
Grounds	<p>(11) The Minister may recommend the termination of a designation where,</p> <ul style="list-style-type: none">(a) the designated private school, by its governing body, has requested the termination of the designation;(b) the designated private school is not complying with this Act; or(c) there is a change in the objects or mode of carrying out the objects of the designated private school.
Notice and submissions	(12) Before recommending the termination of the designation of a designated private school, the Minister shall give notice of the proposed recommendation to the governing body of the designated private school and to the employees of the designated private school who are employed in education and shall receive and consider the written submissions, if any, made within a reasonable time by the governing body and the employees of the designated private school.
Effective date	(13) An order by the Lieutenant Governor in Council terminating the designation of a designated private school is effective the 31st day of August next following the date of the order.
Effect of termination of designation	(14) Upon the termination of the designation of a designated private school, the persons who are teachers in the school, college, academy or other educational institution shall, for the purposes of this Act, be deemed to cease to be employed in education. R.S.O. 1980, c. 494, s. 21.
Organizations	<p>10.—(1) The Lieutenant Governor in Council by order may designate an organization that meets the criteria set out in subsection (3) as an organization for the purpose of this Act and the regulations.</p>
Effective date of designation	(2) A designation under subsection (1) comes into force on the 1st day of September next following the designation.
Criteria	<p>(3) The criteria referred to in subsection (1) are that the organization,</p> <ul style="list-style-type: none">(a) provides services related to elementary or secondary education;

- (b) is not operated for profit or gain and the profits, if any, are used to carry out its objects; and
- (c) by its governing body, undertakes in writing,
 - (i) to make such annual reports to the Commission as the Commission may require for the purpose of the administration of this Act and to supply such information as to its constitution, operations, teaching staff and otherwise as the Commission may require,
 - (ii) to pay monthly to the Commission, for those of its employees who are contributors to the Fund, the moneys that an employer of persons employed in education is required by this Act to deduct and deliver to the Commission, together with a sum calculated thereon at a rate equal to the rate according to which the Treasurer places sums, related to the moneys that employers of persons employed in education deduct and deliver to the Commission, to the credit of the Fund under this Act, and
 - (iii) to perform any administrative functions necessary as an employer for the administration of this Act and the regulations.

(4) A person employed by a designated organization in a capacity prescribed by the regulations may establish credit in the Fund under this section only in respect of employment while qualified as a teacher under the *Education Act* and the regulations under that Act.

Qualifications for credit

R.S.O. 1980, c. 129

(5) A person who is employed by a designated organization in a capacity prescribed by the regulations and who establishes credit in the Fund under this section is entitled to establish credit in the Fund in respect of past employment by a designated organization in a capacity prescribed by the regulations and to establish credit in the Fund in respect of active service in accordance with the regulations.

Past employment

(6) The salary of a person who contributes to the Fund in relation to employment by a designated organization and who receives board or lodging related to employment by a designated organization shall be deemed to be such amount, having regard for the value of the board or lodging, as is determined by the Commission.

Value of board or lodging as part of salary

Exception

(7) A person who is employed by an organization on the date it is designated under subsection (1) may elect to be excluded from the benefits and obligations of this Act while employed by a designated organization.

Idem,
notice

(8) An election under subsection (7) is not effective unless given in writing to the governing body of the designated organization and to the Commission,

R.S.O. 1980,
c. 129

(a) where the person is qualified as a teacher under the *Education Act* and the regulations under that Act when the designation becomes effective, not later than three months after the date when the designation becomes effective;

(b) where the person becomes qualified as a teacher under the *Education Act* and the regulations under that Act after the date when the designation becomes effective, not later than three months after the person becomes so qualified.

Termination
of
designation

(9) Upon the recommendation of the Minister, the Lieutenant Governor in Council by order may terminate the designation of a designated organization.

Grounds

(10) The Minister may recommend the termination of a designation where,

(a) the designated organization, by its governing body, has requested the termination of the designation;

(b) the designated organization is not complying with this Act; or

(c) there is a change in the objects or mode of carrying out the objects of the designated organization.

Notice
and
submissions

(11) Before recommending the termination of the designation of a designated organization, the Minister shall give notice of the proposed recommendation to the governing body of the designated organization and to the employees of the designated organization who are employed in education and shall receive and consider the written submissions, if any, made within a reasonable time by the governing body and the employees of the designated organization.

Effective
date

(12) An order by the Lieutenant Governor in Council terminating the designation of a designated organization is effective the 31st day of August next following the date of the order.

(13) Upon the termination of the designation of a designated organization, the persons who are engaged by the organization shall, for the purposes of this Act, be deemed to cease to be employed in education. *New.*

Effect of
termination
of
designation

11. A person employed on the staff of a college of applied arts and technology who, under a predecessor of this Act, is deemed to be employed in education and,

Colleges of
applied
arts and
technology

- (a) who continues to be employed full-time on the staff of a college of applied arts and technology on the date this section comes into force, shall be deemed to have continued to be and to continue to be employed in education in each school year in which the person was or is employed full-time on the staff of a college of applied arts and technology;
- (b) who is employed part-time on the staff of a college of applied arts and technology on the date this section comes into force, shall be deemed to have continued to be and to continue to be employed in education in each school year in which the person was or is employed part-time or full-time on the staff of a college of applied arts and technology; or
- (c) who changes from full-time to part-time employment on the staff of a college of applied arts and technology after the date this section comes into force, shall be deemed not to be employed in education as of the date on which the person ceases to be employed full-time on the staff of the college. *New.*

SUPERANNUATION ALLOWANCES

12.—(1) Every person who ceases to be employed in education and who has a number of years of credit in the Fund that, when added to the person's age on the date when the person ceases to be employed in education, totals at least ninety years is entitled to an annual superannuation allowance during the person's lifetime. R.S.O. 1980, c. 494, s. 28 (2).

Allowance
where years
of credit
plus age
equal
ninety

(2) The amount of the annual superannuation allowance to which a person is entitled under this section shall be computed as follows:

Computation
of
allowance

- 1. Multiply an amount equal to 2 per cent of the average salary of the person by the number of years, not exceeding thirty-five, for which the person has credit in the Fund.

R.S.C. 1970,
c. C-5

- 2. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years, not exceeding thirty-five, for which the person has credit in the Fund after the year 1965.
- 3. Where the person ceased to be employed in education before attaining the age at which the person could become eligible for a benefit under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, the reduction under paragraph 2 does not apply until the first day of the month next following the month in which the person attains such age. R.S.O. 1980, c. 494, s. 29.

Commence-
ment of
allowance

(3) An annual superannuation allowance under this section shall commence as of the first day of the month next following the month in which the person entitled to the allowance ceases to be employed in education. R.S.O. 1980, c. 494, s. 43 (1).

Allowance
after ten
or more
years of
credit

13.—(1) Every person who contributes to the Fund and who meets the qualifications set out in subsection (2) is entitled to an annual superannuation allowance during the person's lifetime.

Qualifica-
tions for
allowance

(2) The qualifications for an annual superannuation allowance under this section are:

- 1. The person must have ten or more years of credit in the Fund.
- 2. The person must have ceased to be employed in education.
- 3. The number of years for which the person has credit in the Fund plus the person's age when the person ceases to be employed in education must total less than ninety years.

Computation
of
allowance

(3) The amount of an annual superannuation allowance under this section shall be computed as follows:

- 1. Multiply an amount equal to 2 per cent of the average salary of the person by the number of years, not exceeding thirty-five, for which the person has credit in the Fund.

2. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years, not exceeding thirty-five, for which the person has credit in the Fund after the year 1965. R.S.C. 1970,
c. C-5
3. Where the person ceased to be employed in education before attaining the age at which the person could become eligible for a benefit under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, the reduction under paragraph 2 does not apply until the first day of the month next following the month in which the person attains such age.
4. In the case of an allowance that is to commence before the first day of the month following the month in which the person attains the age of sixty-five years, reduce the amount computed under paragraphs 1 to 3 at the rate of 5 per cent times the lesser of,
 - i. the number of years by which the person's age is less than sixty-five years on the date on which the allowance is to commence, or
 - ii. ninety minus the sum of the number of years for which the person has credit in the Fund and the person's age on the date on which the allowance is to commence.

(4) An annual superannuation allowance under this section shall commence, at the option of the person entitled to the allowance, Commence-
ment of
allowance

- (a) on the first day of any month after the month in which the person attains the age of fifty-five years, if the person is not employed in education at the time the allowance is to commence; or
- (b) as of the first day of the month next following the month in which the person entitled to the allowance attains the age of sixty-five years or, where the person is employed in education in the month in which the person attains the age of sixty-five years, on the first day of the month next following the month in

which the person ceases to be employed in education. R.S.O.1980, c. 494, s. 32.

Allowance
after
ten years
of service
but less than
ten years
of credit

Qualifi-
cations for
allowance

14.—(1) Every person who contributes to the Fund and who meets the qualifications set out in subsection (2) is entitled to an annual superannuation allowance during the person's lifetime.

(2) The qualifications for an annual superannuation allowance under this section are:

1. The person must have credit in the Fund, but the credit must be for less than ten years.
2. The person must have ceased to be employed in education after attaining the age of forty-five years.
3. The person must have been in the service of the person's last employer for a continuous period of at least ten years.

Computation
of
allowance

(3) The amount of an annual superannuation allowance under this section shall be computed as follows:

1. Where the person has credit in the Fund for five or more years, multiply an amount equal to 2 per cent of the average salary of the person by the number of years for which the person has credit in the Fund.
2. Where the person has credit in the Fund for less than five years of service, multiply an amount equal to 2 per cent of the average salary of the person during the period of time for which the person has credit in the Fund by the number of years for which the person has credit in the Fund.
3. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 or 2 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years for which the person has credit in the Fund after the year 1965.
4. Where the person ceased to be employed in education before attaining the age at which the person could become eligible for a benefit under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, the reduc-

R.S.C. 1970,
c. C-5

tion under paragraph 3 does not apply until the first day of the month next following the month in which the person attains such age.

5. In the case of an allowance that is to commence before the first day of the month following the month in which the person attains the age of sixty-five years, reduce the amount computed under paragraphs 1 to 4 at the rate of 5 per cent times the number of years by which the person's age is less than sixty-five years on the date on which the allowance is to commence.

(4) No increase in the amount of an allowance to a prescribed minimum amount applies to a superannuation allowance computed under this section or to a survivor allowance related to such a superannuation allowance.

Minimum
allowances

(5) Subsection (4) does not apply if superannuation allowances under this section or, in the case of survivor allowances, survivor allowances related to such superannuation allowances, are specifically included in the prescribed minimum amounts.

Exceptions

(6) An annual superannuation allowance under this section shall commence, at the option of the person entitled to the allowance,

Commence-
ment of
allowance

- (a) on the first day of any month after the month in which the person attains the age of fifty-five years, if the person is not employed in education at the time the allowance is to commence; or
- (b) as of the first day of the month next following the month in which the person entitled to the allowance attains the age of sixty-five years or, where the person is employed in education in the month in which the person attains the age of sixty-five years, on the first day of the month next following the month in which the person ceases to be employed in education. *New.*

15.—(1) A person who is receiving a superannuation allowance under this Act and who again becomes employed in education for more than the number of days prescribed by the regulations is entitled to continue to receive the allowance while employed in education subject to the conditions and in a reduced amount calculated in the manner prescribed by the regulations.

Reduced
allowance
upon re-
employment
in education

Election (2) A person mentioned in subsection (1) may elect to cease to receive the superannuation allowance while employed in education.

Notice of election (3) An election under subsection (2) must be made by notice in writing delivered to the Commission.

Effect of not making election (4) A person mentioned in subsection (1) who does not make an election under subsections (2) and (3) is not entitled, upon ceasing to be employed in education, to an adjustment of the superannuation allowance in respect of contributions or service for the period of employment in education unless the person pays to the Fund an amount equal to the total of the amounts of the superannuation allowance payments received by the person during the period the person was again employed in education together with interest on the amount of each of such superannuation allowance payment.

Interest on amounts repaid (5) Interest under subsection (4) shall be computed on the amount of each superannuation allowance payment for the period from the date the payment was made out of the Fund to the date of repayment to the Fund at the debenture rate for the fiscal year at the date of re-employment in education. R.S.O. 1980, c. 494, s. 46 (1).

Resumption of superannuation allowance **16.**—(1) Where a person ceases to receive a superannuation allowance under this Act because of re-employment in education and the re-employment in education is for less than two years, the person is entitled upon the cessation of the re-employment to the resumption of the superannuation allowance without adjustment of the amount of the allowance as if the election had not been made.

Application for allowance (2) Where the re-employment in education is for two or more years, the person is entitled upon the cessation of the re-employment to apply for an allowance under this Act. R.S.O. 1980, c. 494, s. 47, *part*.

DISABILITY ALLOWANCES

Disability allowance to person incapable of further employment **17.**—(1) Every person who,
(a) has credit in the Fund for ten or more years;
(b) while employed in education becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders the person incapable of further earning a livelihood;

- (c) ceases to be employed in education before the end of the school year in which the person would attain the age of sixty-five years; and
- (d) makes application within two years from the date upon which the person was last employed in education,

is entitled, subject to section 25, to an annual disability allowance during the person's lifetime.

(2) The amount of the annual disability allowance to which a person is entitled under this section shall be computed as follows: Computation of allowance

1. Multiply an amount equal to 2 per cent of the average salary of the person by the number of years, not exceeding thirty-five, for which the person has credit in the Fund.
2. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years, not exceeding thirty-five, for which the person has credit in the Fund after the year 1965. R.S.C. 1970, c. C-5
3. Where the person ceased to be employed in education before attaining the age at which the person could become eligible for a benefit under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, the reduction under paragraph 2 does not apply until the first day of the month next following the month in which the person attains such age or commences to receive the disability pension. R.S.O. 1980, c. 494, s. 33.

18.—(1) Every person who,

- (a) has credit in the Fund for ten or more years;
- (b) while employed in education becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders the person incapable of being further employed in education;

Disability allowance to person incapable of further employment in education

- (c) ceases to be employed in education before the end of the school year in which the person would attain the age of sixty-five years; and
- (d) makes application within two years from the date upon which the person was last employed in education,

is entitled, subject to section 25, to an annual disability allowance during the person's lifetime.

Computation
of
allowance

(2) The amount of the annual disability allowance to which a person is entitled under this section shall be computed as follows:

1. Multiply an amount equal to 2 per cent of the average salary of the person by the number of years, not exceeding thirty-five, for which the person has credit in the Fund.
2. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years, not exceeding thirty-five, for which the person has credit in the Fund after the year 1965.
3. Where the person ceased to be employed in education before attaining the age at which the person could become eligible for a benefit under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, the reduction under paragraph 2 does not apply until the first day of the month next following the month in which the person attains such age or commences to receive the disability pension.
4. Reduce the amount computed under paragraphs 1 to 3 at the rate of $2\frac{1}{2}$ per cent times the lesser of,
 - i. the number of years by which the person's age is less than sixty-five years on the date on which the allowance is to commence, or
 - ii. ninety minus the sum of the number of years for which the person has credit in the Fund and the person's age on the date on which the allowance is to commence,

R.S.C. 1970,
c. C-5

to a maximum reduction of 25 per cent under this paragraph. R.S.O. 1980, c. 494, s. 34.

19. Where a person receiving an annual disability allowance under this Act related to incapability of being employed in education dies leaving a spouse or a child surviving, and provision was made for a special medical re-examination and no decision was made by the Commission on such re-examination before the person's death, the Commission may, if it is of the opinion having regard to the facts established at the date of the person's death that the person should have been receiving an annual disability allowance under this Act related to incapability of further earning a livelihood, recompute the disability allowance in accordance with this Act as of the date of death as a disability allowance under this Act related to incapability of further earning a livelihood for the purpose of the survivor allowance under this Act. R.S.O. 1980, c. 494, s. 37.

Change of disability status for purpose of survivor allowance

20. No application for a disability allowance under this Act shall be considered by the Commission until the Commission has obtained,

Proof of disability

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed in education the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of the medical referee of the Commission containing such recommendations as the medical referee considers proper with regard to the granting of an allowance to the applicant. R.S.O. 1980, c. 494, s. 41.

21.—(1) A disability allowance under this Act shall commence as of the first day of the month next following the month in which the person entitled to the allowance ceases to be employed in education.

Commencement of disability allowance

(2) Notwithstanding subsection (1), a disability allowance under this Act shall not commence as of a date earlier than one year before the date upon which the completed application for the allowance reaches the Commission. R.S.O. 1980, c. 494, s. 43 (1).

Idem

22. A person who is receiving a disability allowance under section 17 and who becomes employed ceases to be entitled to the disability allowance. R.S.O. 1980, c. 494, s. 46 (2).

Effect of re-employment

Effect of
re-
employment
in education

23. A person who is receiving a disability allowance under section 18 and who becomes employed in education or employed as a teacher in a school or institution ceases to be entitled to the disability allowance until the person ceases to be so employed. R.S.O. 1980, c. 494, s. 46 (3).

Resumption
of
disability
allowance

24.—(1) Where a person ceases to receive a disability allowance under this Act because of re-employment in education and the re-employment in education is for less than two years, the person is entitled upon the cessation of the re-employment to the resumption of the disability allowance without adjustment of the amount of the disability allowance.

Application
for
allowance

(2) Where the re-employment in education is for two or more years, the person is entitled upon the cessation of the re-employment to apply for an allowance under this Act. R.S.O. 1980, c. 494, s. 48.

Evidence
of mental
or physical
condition

25.—(1) The Commission may at any time require a person who is receiving a disability allowance under this Act to furnish evidence, in such form as the Commission directs, of the person's mental or physical condition.

Failure to
furnish
evidence

(2) Where the person fails to furnish evidence that the person's mental or physical condition continues to be of a nature that entitles the person to receive the disability allowance, the Commission may terminate payment of the disability allowance.

Review by
Commission

(3) Where the disability allowance was an allowance under section 17, the person may request the Commission to review the matter and the Commission shall make the review and may direct payment to the person of such disability allowance as the person is entitled to under this Act. R.S.O. 1980, c. 494, s. 49.

SURVIVOR ALLOWANCES

Survivor
allowance
to spouse of
person
receiving
allowance

26.—(1) The spouse of a person who dies while receiving an allowance under this Act is entitled to an annual survivor allowance during the spouse's lifetime.

Amount of
survivor
allowance

(2) The amount of the annual survivor allowance under this section is,

- (a) where the deceased person had attained the age of sixty-five years at the date of death, one-half of the allowance that the deceased person was receiving at the date of death; or

- (b) where the deceased person had not attained the age of sixty-five years at the date of death, one-half of the allowance that the deceased person would have received as of the first day of the month next following the month in which the deceased person would have attained the age of sixty-five years.

(3) Subsections (1) and (2) do not apply to the surviving spouse of a deceased person if they became spouses after the date of the deceased person's last day of employment in education. R.S.O. 1980, c. 494, s. 36 (1, 2), *part*. Exception

27.—(1) The spouse of a person who dies with a vested interest in but before receiving an allowance under this Act is entitled to an annual survivor allowance during the spouse's lifetime. Survivor allowance to spouse of person with vested interest in allowance

(2) The amount of the annual survivor allowance under this section is an amount equal to one-half of the amount computed as follows: Amount of survivor allowance

1. Multiply an amount equal to 2 per cent of the average salary of the person by the number of years, not exceeding thirty-five, for which the person has credit in the Fund.
2. Where the person has contributed to the *Canada Pension Plan*, reduce the amount computed under paragraph 1 by an amount equal to 0.7 per cent of that part of the average salary of the person that does not exceed the Year's Maximum Pensionable Earnings Average of the person multiplied by the number of years, not exceeding thirty-five, for which the person has credit in the Fund after the year 1965.

R.S.C. 1970, c. C-5

(3) Subsections (1) and (2) do not apply to the surviving spouse of a deceased person if they became spouses after the date of the deceased person's last day of employment in education. R.S.O. 1980, c. 494, s. 36 (1, 2), *part*. Exception

- 28.—**(1) The child or children of a person, Survivor allowance to child upon death of surviving spouse
- (a) who dies while receiving or with a vested interest in an allowance under this Act; and
 - (b) who is survived by a spouse who receives an annual survivor allowance in respect of the person,

are entitled upon the death of the spouse to an annual survivor allowance until the child or the youngest of the children attains the age of eighteen years.

Amount of survivor allowance

(2) The amount of the annual survivor allowance under this section is an amount equal to the amount of the annual survivor allowance to which the spouse of the deceased person was entitled after the death of the deceased person. R.S.O.1980, c. 494, s. 36 (1), *part*.

Survivor allowance to child where no surviving spouse

29.—(1) The child or children of a person,

(a) who dies while receiving an allowance under this Act and who is not survived by a spouse; or

(b) who dies with a vested interest in but is not receiving an allowance under this Act and who is not survived by a spouse,

are entitled to an annual survivor allowance until the child or the youngest of the children attains the age of eighteen years.

Amount of survivor allowance

(2) The amount of the annual survivor allowance under this section is an amount equal to the annual survivor allowance to which the spouse of the deceased person would be entitled under this Act if the deceased person were survived by a spouse. R.S.O. 1980, c. 494, s. 36 (1), *part*.

Increase of survivor allowance

30.—(1) A person employed in education may direct the Commission to increase the amount of the survivor allowance related to the allowance to which the person will be entitled when the person ceases to be employed in education to 55 per cent, 60 per cent, 65 per cent, 70 per cent or 75 per cent of the allowance and to reduce the amount of the allowance accordingly.

Time limit

(2) A direction mentioned in subsection (1) must be in writing and must be delivered to the Commission two years or more before the person ceases to be employed in education.

Exception

(3) The Commission shall accept a direction mentioned in subsection (1) that is delivered to the Commission less than two years before the person ceases to be employed in education but before the person applies for an allowance under this Act, if the Commission is satisfied that the person is in good health having regard to the person's age.

Actuarial reduction of allowance

(4) Where a direction mentioned in subsection (1) is delivered in accordance with subsection (2) or accepted in accordance with subsection (3), the amount of the allowance payable

to the person shall be actuarially reduced by the actuary of the Commission in a manner approved by the Commission to allow for the survivor allowance in accordance with the direction, and the amount of the survivor allowance related to the allowance shall be increased in accordance with the direction.

(5) A direction mentioned in subsection (1) is not valid if the person who gives the direction dies before applying for an allowance under this Act or before ceasing to be employed in education.

When
direction
not valid

(6) A person who gives a direction mentioned in subsection (1) may revoke the direction by a written revocation delivered to the Commission before the date of commencement of the person's allowance. *New.*

Revocation
of
direction

31.—(1) A person employed in education who does not have a spouse or a child to qualify for a survivor allowance under this Act may direct the Commission to pay a survivor allowance related to the person's allowance to a dependant named in the direction in an amount equal to 50 per cent, 55 per cent, 60 per cent, 65 per cent, 70 per cent or 75 per cent of the amount of the allowance to which the person will be entitled when the person ceases to be employed in education and to reduce the amount of the allowance accordingly.

Survivor
allowance
to dependant

(2) A direction mentioned in subsection (1) must be in writing and must be delivered to the Commission two years or more before the person ceases to be employed in education.

Time
limit

(3) The Commission shall accept a direction mentioned in subsection (1) that is delivered to the Commission less than two years before the person ceases to be employed in education but before the person applies for an allowance under this Act, if the Commission is satisfied that the person is in good health having regard to the person's age.

Exception

(4) Where a direction mentioned in subsection (1) is delivered in accordance with subsection (2) or accepted in accordance with subsection (3), the amount of the allowance payable to the person shall be actuarially reduced by the actuary of the Commission in a manner approved by the Commission to allow for the survivor allowance in accordance with the direction, and the survivor allowance shall be paid to the dependant in the percentage specified in the direction.

Actuarial
reduction
of allowance

(5) Where the person making the direction mentioned in subsection (1) dies before applying for an allowance under this Act or before ceasing to be employed in education, the direc-

Where
person
making
direction
dies before
retirement

tion is void and no survivor allowance is payable under subsection (3).

Revocation
of
direction

(6) A person who gives a direction mentioned in subsection (1) may revoke the direction by a written revocation delivered to the Commission before applying for an allowance under this Act. R.S.O. 1980, c. 494, s. 38.

Survivor
allowance
where person
receiving
allowance
becomes
a spouse

32.—(1) A person who is receiving or has a vested interest in a superannuation allowance under this Act and who becomes a spouse after ceasing to be employed in education may direct the Commission to pay a survivor allowance related to the person's allowance in the amount of 50 per cent, 55 per cent, 60 per cent, 65 per cent, 70 per cent or 75 per cent of the allowance paid or that would otherwise be payable to the person on the first day of the month next following the month in which the person becomes a spouse.

Time
limit

(2) A direction mentioned in subsection (1) must be in writing and must be delivered to the Commission,

- (a) within ninety days from the date on which the person becomes a spouse; or
- (b) where immediately before the person becomes a spouse there is a child who would be entitled upon the death of the person to receive a survivor allowance under this Act, within ninety days from the date the child ceases to be eligible to receive the survivor allowance.

Exception

(3) The Commission may accept a direction mentioned in subsection (1) that is delivered to the Commission after the end of the period of time mentioned in subsection (2), if the Commission is satisfied that the person making the direction is in good health having regard to the person's age.

Actuarial
reduction
of
allowance

(4) Subject to subsection (5), where a direction mentioned in subsection (1) is delivered in accordance with subsection (2) or is accepted in accordance with subsection (3), the amount of the allowance payable to the person shall be actuarially reduced by the actuary of the Commission in a manner approved by the Commission to allow for the survivor allowance in accordance with the direction, and the survivor allowance shall be paid to the surviving spouse in the percentage specified in the direction.

Interest
of
child

(5) A survivor allowance under this section does not become payable until there is no person eligible to receive a survivor allowance as a child of the person in receipt of or with a vested

interest in the superannuation allowance to which the survivor allowance relates. *New.*

33.—(1) In this section, “court” has the same meaning as in Part V of the *Succession Law Reform Act*.

Interpre-
tation
R.S.O. 1980,
c. 488

(2) Where more than one person applies to the Commission for a survivor allowance under this Act as spouse of a deceased person who was receiving or had a vested interest in a superannuation allowance, the court, on application by the Commission, by order may direct payment of the survivor allowance or part thereof to one or more of the applicants for the survivor allowance and may specify the proportion of the survivor allowance that shall be paid to each of them.

Where
more
than one
surviving
spouse

(3) An application to the court may be made in the same manner as an application under Part V of the *Succession Law Reform Act*.

Application
to court

(4) Upon the application, the court shall determine the eligibility of the persons for the survivor allowance, and section 62 of the *Succession Law Reform Act* applies with necessary modifications in respect of the allocation of proportions of the survivor allowance and, for the purpose, “dependant” means spouse of the deceased person. *New.*

Considera-
tion on
application

34.—(1) A survivor allowance that is payable under this Act on the death of a person employed in education shall commence as of the day next following the day the person dies.

Commence-
ment of
survivor
allowance

(2) A survivor allowance that is payable under this Act on the death of a person in receipt of an allowance under this Act shall commence as of the first day of the month next following the month in which the person dies. R.S.O. 1980, c. 494, s. 43 (2,3).

Idem

ALLOWANCES—GENERAL

35.—(1) For the purpose of computing the entitlements under this Act and the regulations of or related to a person who is employed in education on less than a full-time basis, the following rules apply:

Rules for
computations
re part-time
employment
in education

1. The person is entitled to credit for service in the proportion that the person’s work period bears to the full-time work period for the occupational group in which the person is employed in education.

2. For the purpose of determining length of service in order to qualify for an entitlement (but not for the purpose of computing the amount of an allowance) service for a part of a year shall be deemed to be service for the whole year.
3. The person's annual salary shall be calculated according to the following:

$$\frac{S}{T} \times F = A$$

where,

S = The person's salary for the year.

T = The person's work period.

F = Full-time work period for the occupational group, as determined by the Commission.

A = Annual salary.

4. The person's average salary shall be calculated using the person's annual salary calculated in accordance with Rule 3 of these rules.

Minimum allowances

(2) No increase in the amount of an allowance to a prescribed minimum amount applies to an allowance of or related to a person who is employed in education on less than a full-time basis and has less than ten years of credit in the Fund.

Exception

(3) Subsection (2) does not apply if allowances of or related to persons mentioned in that subsection have been included in the prescribed minimum amounts before the coming into force of this Act. *New.*

Reciprocal arrangements

36.—(1) A person employed in education is entitled to credit for the period of time that the person was engaged in teaching in another part of Canada or the Commonwealth and in respect of which funds are not transferred or paid to the Fund.

Application of subs. (1)

(2) Subsection (1) applies in respect of those parts of Canada or the Commonwealth prescribed by the regulations.

Purpose of credit

(3) A credit under subsection (1) is for the purpose of determining length of service in order to qualify for an allowance but not for the purpose of computing the amount of the allowance. R.S.O. 1980, c. 494, s. 61.

37.—(1) An allowance under this Act is payable in monthly instalments. R.S.O. 1980, c. 494, s. 42.

Payment of allowances

(2) An allowance under section 14 may be paid, in the discretion of the Commission, in a lump sum, annually, or in semi-annual, quarterly or monthly instalments. R.S.O. 1980, c. 494, s. 32 (5, 7).

Idem

38. An allowance under this Act shall be paid only after the receipt by the Commission of an application in the form that shall be provided by the Commission. R.S.O. 1980, c. 494, s. 40.

Application for allowance

39. Every allowance under this Act terminates as of the end of the month in which the event that terminates the allowance occurs. R.S.O. 1980, c. 494, s. 44.

Termination of allowance

40.—(1) At the request of the Commission, a person in receipt of a superannuation allowance or a disability allowance under this Act shall report to the Commission the number of days that the person was employed in education while in receipt of the allowance.

Report re employment in education

(2) Where the report is not given to the Commission within a reasonable time after the request, the Commission may direct that no further allowance under this Act be paid to the person until the report is given to the Commission. R.S.O. 1980, c. 494, s. 19 (3).

Where report not given

41. No person is entitled to payment of two superannuation allowances or both a superannuation allowance and a disability allowance under this Act during the same month or other payment period. *New.*

Multiple allowances

42.—(1) A person who is receiving a superannuation allowance under this Act and who becomes employed in education shall give notice in writing of the employment forthwith to the Commission.

Notice of re-employment by person receiving allowance

(2) A person who is receiving a disability allowance under section 17 and who becomes employed shall give notice in writing of the employment forthwith to the Commission.

Notice of re-employment by person receiving disability allowance

(3) A person who is receiving a disability allowance under section 18 and who becomes employed in education or employed as a teacher in a school or institution shall give notice in writing of the employment forthwith to the Commission.

Idem

Failure
to give
notice

(4) A person mentioned in subsection (1), (2) or (3) who fails to give the notice required by the subsection is not entitled to a benefit under this Act unless the Commission otherwise directs. R.S.O. 1980, c. 494, s. 45.

Seizure
of
allowance

43.—(1) The interest of a person in the Fund and in an allowance under this Act is not subject to garnishment, attachment, seizure or other process of law and is not assignable. R.S.O. 1980, c. 494, s. 51.

Application
of subs. (1)

(2) Notwithstanding subsection (1), payment of an allowance is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice
of
enforcement

(3) Subsection (2) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order. *New.*

REFUNDS

Refund
before
45 years
of age

44.—(1) A person who ceases to be employed in education before attaining forty-five years of age is entitled to a refund of an amount equal to the whole of the person's contributions to the Fund with interest on each amount contributed for the period of time it was in the Fund at the rate of 3 per cent per year compounded half-yearly.

Less than
ten years
service

(2) A person who has credit in the Fund for less than ten years of service and ceases to be employed in education is entitled to a refund of an amount equal to the whole of the person's contributions to the Fund with interest on each amount contributed for the period of time it was in the Fund at the rate of 3 per cent per year compounded half-yearly.

Application
of subs. (2)

(3) Subsection (2) does not apply if the person is entitled to an annual superannuation allowance under this Act.

Idem

(4) A person who has credit in the Fund for ten or more years of service and who has ceased to be employed in education after attaining forty-five years of age is entitled to a refund of an amount equal to the whole of the person's contributions to the Fund in respect of service before the 1st day of January, 1965, with interest on each amount contributed for the period of time it was in the Fund at the rate of 3 per cent per year compounded half-yearly.

Less than
ten years
service at
age 65

(5) A person who has credit in the Fund for less than ten years of service and who ceases to be employed in education in

the calendar year in which the person attains or would attain sixty-five years of age or in a later calendar year, is entitled to a refund of an amount equal to twice the amount of the person's contributions to the Fund with interest thereon calculated in accordance with subsection (6).

(6) Interest under subsection (5) shall be computed and credited to the person as at the 31st day of December in each year at the Fund rate for the year on the contribution credited to the person for the year and on the accumulated balance of contributions at the end of the preceding year.

Interest computation

(7) A refund under subsection (1), (2), (4) or (5) is in lieu of an allowance under this Act and taking the refund terminates entitlement to a superannuation allowance, a disability allowance and a survivor allowance, or any of them, in respect of the contributions to which the refund is related.

Effect of taking refund

(8) No refund under subsection (1), (2), (4) or (5) shall be made until three months after the day upon which the person ceased to be employed in education. R.S.O. 1980, c. 494, s. 53.

Time of payment of refund

(9) A refund shall be paid in a lump sum or, at the written request of the person entitled to the refund, in three equal annual instalments without additional interest. R.S.O. 1980, c. 494, s. 52 (2).

Manner of payment of refund

45.—(1) A person who has taken a refund of contributions from the Fund and who subsequently is employed in education for twenty or more days in a school year and desires to be reinstated in the Fund in respect of the former period of employment in education is entitled to be so reinstated upon paying to the Fund an amount equal to the total of the refund previously taken and the interest thereon, if any, paid at the time of the refund together with interest on the total at the debenture rate for the fiscal year at the date of payment of the refund for the period from the date of payment of the refund to and including the date of repayment to the Fund or, where the repayment to the Fund is made in instalments, to and including the date of payment of the first instalment to the Fund and on the balance at the debenture rate for the fiscal year at the date of payment of the first instalment from such date to and including the date of payment of the balance.

Repayment of refund on re-employment in education

(2) Where the debenture rate mentioned in subsection (1) is less than the rate specified in section 68, the debenture rate shall be deemed to be the rate specified in section 68.

Debenture rate

Where
part of
refund not
repaid

(3) A superannuation allowance or disability allowance to which a person mentioned in subsection (1) may become entitled under this Act during the period of repayment shall be reduced actuarially during the person's lifetime by the amount of the refund and interest that is not repaid.

Eligibility
for
disability
allowance

(4) A person who has taken a refund of contributions from the Fund, is subsequently employed in education and elects to be reinstated in the Fund under subsection (1) is not eligible for a disability allowance under this Act until the person has been employed in education for two years after the person's return to employment.

Completion
of repayment
by survivor

(5) Where a person making payment into the Fund under subsection (1) dies before completing the payment, a person entitled to a survivor allowance related to the allowance to which the deceased person would have been entitled may complete the payment and the survivor allowance shall be calculated and paid in accordance with the full credit of the deceased person in the Fund.

Where pay-
ment not
completed

(6) A survivor allowance mentioned in subsection (5) shall be reduced actuarially from the full credit obtainable in the Fund under that subsection by the amount of any payment not completed in accordance with that subsection. R.S.O. 1980, c. 494, s. 54.

Return of
superannuate
to
employment

46.—(1) No refund shall be made in respect of contributions to the Fund by a person in receipt of a superannuation allowance under this Act who again becomes employed in education.

Exception

(2) Subsection (1) does not apply to prevent payment to the personal representative of a person mentioned in subsection (1) where no survivor allowance is payable under this Act on the death of the person. R.S.O. 1980, c. 494, s. 55.

Refund to
personal
representative

47.—(1) The personal representative of a person who was employed in education and has died is entitled to a refund out of the Fund in the circumstances described in subsection (2) and in an amount calculated in accordance with subsection (3).

When refund
payable

(2) The circumstances referred to in subsection (1) are,

- (a) that no survivor allowance is payable under this Act on the death of the person; or
- (b) that all survivor allowances payable under this Act on the death of the person have been fully paid.

(3) The amount of the refund to the personal representative is an amount equal to,

Amount of refund

- (a) the amounts contributed to the Fund by the person; and
- (b) interest on the amounts contributed to the Fund by the person to the end of the month in which the person died or the last survivor allowance was payable, whichever is later, calculated in accordance with subsection (4),

reduced by an amount equal to,

- (c) the amount of the allowance, if any, paid under this Act to the person;
- (d) the amount of the survivor allowances, if any, paid under this Act consequent upon the death of the person; and
- (e) interest on the amounts of the allowance and survivor allowances to the end of the month in which the person died or the last survivor allowance was payable, whichever is later, calculated in accordance with subsection (5).

(4) Interest under subsection (3) shall be computed and credited to the person as at the 31st day of December in each year at the Fund rate for the year of contributions credited to the person for the year and on the accumulated balance of contributions at the end of the preceding year.

Interest calculation

(5) Interest under subsection (3) on the amounts of the allowances paid to the person or consequent upon the death of the person shall be calculated as at the 31st day of December in each year at the Fund rate for the year on the accumulated balance of payments for the year and on the accumulated balance of payments at the end of the preceding year. R.S.O. 1980, c. 494, ss. 56, 57, 59.

Idem

TRANSFERS

48. A person who has taken a refund of contributions from the Fund and who becomes, in respect of a period of twenty or more days in a school year, a contributor to a pension plan in respect of which there is a reciprocal agreement in force under this Act that permits service under this Act to be taken into account for the purposes of the calculation of a benefit upon the transfer of funds from the Fund may be rein-

Reinstatement for purpose of transfer of credits

stated in the Fund without being employed in education upon payment into the Fund of the amount required under section 45, but the reinstatement shall be for the purpose only of a transfer of credits under the reciprocal agreement. *New.*

Transfer
agreements

49. Subject to the approval of the Lieutenant Governor in Council, the Commission may enter into agreements with the authorized representatives of any other pension fund respecting the terms and conditions upon which persons may transfer to or from the Fund from or to the other pension fund.

R.S.O. 1980, c. 494, s. 62.

SUPERANNUATION ADJUSTMENT BENEFITS

Superan-
nuation
Adjustment
Fund
R.S.O. 1980,
c. 490

50.—(1) The employer of a person employed in education shall deduct the person's contributions under the *Superannuation Adjustment Benefits Act* from the person's salary and shall deliver to the Commission or deposit in the Commission bank account the employee's contributions under that Act at the same times as the employer is required to deliver or deposit amounts deducted as contributions to the Fund.

Interest

(2) Interest is payable by the employer to the Commission on each contribution due under subsection (1) from the date the contribution is due to the date the contribution is delivered or deposited in accordance with subsection (1).

Interest
rate

(3) The rate at which the interest is payable is the same as the rate payable on contributions to the Fund that are delivered or deposited after the date on which the contributions are due. R.S.O. 1980, c. 494, s. 25 (7).

Contri-
butions
by Ontario to
Super-
annuation
Adjustment
Fund

51.—(1) For the purpose of contributing the amount required by clause 8 (1) (b) of the *Superannuation Adjustment Benefits Act*, within the month following the month in which employees' contributions are delivered to the Commission or deposited in the Commission bank account there shall be transferred to the account maintained in relation to this Act under the Superannuation Adjustment Fund Account out of the Consolidated Revenue Fund an amount equal to the employees' contributions to the Superannuation Adjustment Fund received in the month by the Commission.

Exceptions

(2) Subsection (1) does not apply in respect of contributions by persons employed in education within the meaning of subclause 1 (1) (j) (v), (vi) or (ix). *New.*

52.—(1) The Commission shall pay to the persons entitled thereto the superannuation adjustment benefits payable under the *Superannuation Adjustment Benefits Act* related to this Act.

Payment of super-annuation adjustment benefits

(2) The Commission shall make the payments under subsection (1) out of the moneys paid to the Commission under section 50.

Source of moneys

(3) Where the moneys mentioned in subsection (2) are insufficient to enable the Commission to make the payments under subsection (1), the Commission shall certify to the Treasurer the amount required to make the payments and the Treasurer shall transfer the amount to the Commission out of the credit balance in the account maintained in relation to this Act under the Superannuation Adjustment Fund Account.

Additional moneys

(4) Not later than the end of each month, the Commission shall transfer to the Treasurer for the account maintained in relation to this Act under the Superannuation Adjustment Fund Account any funds received by the Commission during the preceding month as contributions under the *Superannuation Adjustment Benefits Act*, or as interest on such contributions, that are surplus to the requirements of the Commission in relation to the payment of benefits under that Act.

Surplus funds

R.S.O. 1980, c. 490

(5) The purpose of subsections (1) to (4) is to provide for the administration of the *Superannuation Adjustment Benefits Act* in relation to persons employed in education and persons entitled to allowances under this Act. *New.*

Purpose of subss. (1-4)

53. For the purposes of section 6 of the *Superannuation Adjustment Benefits Act*, a person's employment in education in a school year, for less than the number of days prescribed by the regulations, after the person ceases to be employed in education and before the person commences to receive a superannuation allowance under this Act shall not be taken into account in determining the year in which the person ceases to be employed in education. *New.*

Determination as to employment

54.—(1) The Commission shall maintain accounts in which shall be entered all receipts and disbursements by the Commission in respect of the *Superannuation Adjustment Benefits Act*.

Accounts as to super-annuation adjustments

(2) The accounts mentioned in subsection (1) shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints.

Audit of accounts

Report (3) The auditor shall make an annual report, and shall prepare and furnish to the Treasurer such statements and reports as are required by the Treasurer. *New.*

TEACHERS' SUPERANNUATION COMMISSION

Commission **55.**—(1) The Teachers' Superannuation Commission is continued.

Composition (2) The Commission shall be composed of,

- (a) five persons who shall be appointed by the Minister; and
- (b) five persons employed in education each elected by the members of one of the teacher organizations prescribed by the regulations who are contributors to the Fund.

Election of members (3) The elections mentioned in clause (2) (b) shall be conducted by secret ballot and in accordance with such procedures as are determined by The Ontario Teachers' Federation.

Chairman, transitional (4) The person holding the office of chairman of the Commission on the day this Act comes into force shall continue to hold office until the end of the year in which this Act comes into force and until his successor is elected.

Election of chairman by elected members (5) In the year next following the year in which this Act comes into force and in every second year thereafter, the members of the Commission mentioned in clause (2) (b) shall elect from among them a person who shall be the chairman of the Commission for the year and until the person's successor as chairman is elected.

Election of chairman by appointed members (6) In the second year following the year in which this Act comes into force and in every second year thereafter, the members of the Commission mentioned in clause (2) (a) shall elect from among them a person who shall be the chairman of the Commission for the year and until the person's successor as chairman is elected.

Vacancy in office of chairman (7) If in any year a vacancy occurs in the office of chairman of the Commission, the members of the Commission whose duty it was to elect a chairman for the year shall elect from among them a person who shall be the chairman of the Commission for the remainder of the year and until the person's successor as chairman is elected.

(8) If in any year the members of the Commission fail to elect the chairman, the Minister shall appoint the chairman from among the members eligible for election as chairman in the year.

Where
members
fail to
elect
chairman

(9) When a vacancy occurs among the members, another member shall be appointed by the Minister or by the governing body of the teachers' organization concerned, as the case may be, as soon as is practicable after the vacancy occurs, and the person so appointed shall hold office for the unexpired portion of the term of the member replaced.

Vacancy
among
members

(10) Each member is eligible for reappointment or re-election, as the case may be.

Reappointment
or
re-election

(11) Each member shall hold office for three years and until a successor is appointed or elected.

Term of
office

(12) The Commission shall meet in the offices of the Commission at such times as the Commission may determine.

Meetings

(13) Seven members constitute a quorum. R.S.O. 1980, c. 494, s. 2.

Quorum

(14) Each member of the Commission, including the chairman, is entitled to vote on a matter before the Commission, and where the number of votes in favour of a motion before the Commission and the number of votes against the motion are equal, the motion is defeated.

Voting

(15) No action or other proceeding for damages shall be commenced or continued against an employee of the Commission for an act or omission in good faith in the course of employment or against a member of the Commission for an act done in good faith in the execution or intended execution of a power or duty under this Act or the regulations or for an alleged neglect or default in the execution of such a power or duty. *New.*

Liability

56.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

Property

(a) in its own name acquire by purchase, lease, or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.

Expenditures
re property

(2) Any expenditure incurred by the Commission in connection with any property acquired under subsection (1) shall be deemed to be an administration expense.

Rights re
property

(3) The Commission may in its own name contract and be contracted with and sue and be sued.

Crown
agency
for purposes
of
R.S.O.1980,
c. 106
1983, c. 6

(4) The Commission shall be deemed to be a Crown agency to which the *Crown Agency Act* applies for the purposes of the *Construction Lien Act, 1983*. R.S.O. 1980, c. 494, s. 3.

Documents

57. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of,

- (a) the chairman of the Commission;
- (b) a member of the Commission designated by the Commission for the purpose;
- (c) the director of the Commission. R.S.O. 1980, c. 494, s. 4.

Explanations
to
contributors
R.S.O. 1980,
c. 373

58. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by the *Pension Benefits Act*. R.S.O. 1980, c. 494, s. 5.

Duty of
Commission

59. It is the duty of the Commission to manage the affairs of the Commission, to administer this Act and to advise the Minister on matters related to the affairs of the Commission or the administration of this Act. R.S.O. 1980, c. 494, s. 6.

Staff

60.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

- (a) establish job classifications, salary ranges, and the terms and conditions of employment for its employees; and
- (b) appoint a director, an actuary, a solicitor, a medical referee, and such other employees as are considered proper.

Salaries

(2) The employees of the Commission shall be paid out of the Fund.

(3) The *Public Service Superannuation Act* applies to the employees of the Commission as though the Commission had been designated by the Lieutenant Governor in Council under section 28 of that Act. R.S.O. 1980, c. 494, s. 7.

Application
of
R.S.O. 1980,
c. 419

61. The Commission shall not appoint a person as the actuary of the Commission unless the person is a Fellow of the Canadian Institute of Actuaries. R.S.O. 1980, c. 494, s. 1 (1) (a).

Actuary

62. The period from and including the 1st day of January to and including the 31st day of December constitutes the fiscal year of the Commission. R.S.O. 1980, c. 494, s. 14.

Fiscal
year of
Commission

63.—(1) The Commission shall annually, after the end of its fiscal year, file with the Minister a report upon the affairs and finances of the Commission.

Annual
report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1980, c. 494, s. 17.

Idem

TEACHERS' SUPERANNUATION FUND

64.—(1) The Teachers' Superannuation Fund is continued.

Fund

(2) The Treasurer is the custodian of the Fund.

Custodian

(3) The actuary of the Commission shall make an actuarial valuation of the Fund as of the end of each third year in accordance with the *Pension Benefits Act* and the regulations under that Act and, when directed to do so by the Minister, at any other time. R.S.O. 1980, c. 494, s. 8.

Actuarial
valuations

R.S.O. 1980,
c. 373

65. The Commission may receive any gift, devise, or bequest made to or for the purposes of the Fund and shall pay it or the proceeds thereof into the Fund to be applied as directed by the donor, and, if so directed, in additional benefits to those provided by this Act or, in the absence of such a direction, to the general purposes of the Fund. R.S.O. 1980, c. 494, s. 9.

Gifts
to
Fund

66.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.

Securities

(2) The Treasurer is responsible for the safekeeping of all securities deposited under subsection (1). R.S.O. 1980, c. 494, s. 11.

Safekeeping
of
securities

Accounts

67. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the Fund. R.S.O. 1980, c. 494, s. 13.

Interest

68. Except where otherwise specifically provided by this Act,

- (a) interest payable under this Act or the regulations shall be at the rate of 6 per cent per year, compounded half-yearly; and
- (b) interest is payable on any payment into or out of the Fund, other than an allowance, that is thirty days or more in arrears. R.S.O. 1980, c. 494, s. 15.

Audit

69.—(1) The accounts of the Fund shall be audited and the securities in which the moneys of the Fund may be invested shall be examined and checked in each fiscal year of the Commission by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an annual report, and shall prepare and furnish to the Treasurer such statements and reports as are required by the Treasurer.

Cost of
audit

(2) The cost of the audits and reports shall be paid by the Commission out of the Fund. R.S.O. 1980, c. 494, s. 16.

Payments
into Fund

70. An account shall be kept in a chartered bank of Canada in the name of the Treasurer as custodian of the Fund, and every amount received as a payment into the Fund shall be deposited to the credit of such account. R.S.O. 1980, c. 494, s. 18.

Payments out
of Fund

71.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.

Method
of
payment

(2) Every payment out of the Fund shall be made,

- (a) by cheque of the Commission signed by; or
- (b) by a direct transfer into the payee's account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,

any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing,

lithographing, engraving or other means. R.S.O. 1980, c. 494, s. 19 (1,2).

72.—(1) The Treasurer shall issue from time to time a Province of Ontario debenture for the amount of funds accumulated to the credit of the Fund and not required for current expenditures.

(2) The Treasurer, in consultation with the Commission and subject to the approval of the Lieutenant Governor in Council, shall determine in accordance with subsections (3) and (4) the rate and term of a debenture issued under subsection (1).

(3) A debenture issued under subsection (1) shall bear interest payable half-yearly at a rate based on the Canadian secondary market when the debenture is issued for Ontario securities, securities guaranteed by Ontario and other similar securities, or any of them, with a term corresponding to the term of the debenture.

(4) The term of a debenture issued under subsection (1) shall be not less than twenty years and not more than twenty-five years.

(5) A debenture issued under subsection (1) is a charge upon the Consolidated Revenue Fund. R.S.O. 1980, c. 494, s. 10.

73.—(1) The Treasurer, as custodian of the Fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the Fund, by way of overdraft or otherwise, any amount required temporarily to provide for payments out of the Fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the Fund, or both.

(2) The Treasurer, as custodian of the Fund, may at the request of the Minister, when both the Treasurer and the Minister consider it advisable for the sound and efficient management of the Fund, invest and authorize the Commission to invest any part of the Fund for any period not exceeding twelve months in any securities in which the Treasurer may invest the public moneys of Ontario. R.S.O. 1980, c. 494, s. 20.

74.—(1) Every designated organization or designated private school shall deliver to the Commission or deposit in the Commission bank account on or before the 31st day of December in each year an amount equal to the part of the increase in the unfunded liability of the Fund over the

unfunded liability base that is attributable to the designated private school or designated organization.

Interest

(2) Interest is payable by every designated organization or designated private school to the Commission on the amount payable under subsection (1) from the date the amount is due to the date the amount is delivered to the Commission or deposited in the Commission bank account.

Rate
of
interest

(3) The rate at which the interest is payable is the Bank of Canada rate in effect on the date the amount is due under subsection (1) plus 4 per cent. *New.*

GENERAL

Regulations

75.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing any matter required or authorized by this Act to be, or referred to in this Act as, prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) prescribing the powers and duties of the officers of the Commission, or any of them;
- (d) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (e) authorizing the Commission to require persons who are contributors to the Fund or persons who are receiving allowances under this Act, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (f) respecting the administration of moneys held by the Commission for the Superannuation Adjustment Fund under the *Superannuation Adjustment Benefits Act*, including provision for administration fees to the Commission, audits, payments, transfers and temporary draws on the Fund;
- (g) authorizing the Commission to enter into agreements with boards, designated organizations and designated private schools respecting the administration of supplementary benefit plans provided by the boards, designated organizations and designated private schools for their employees;

- (h) prescribing the method of calculating the part of the increase in the unfunded liability of the Fund over the unfunded liability base that is attributable to each designated organization or designated private school;
- (i) providing for and regulating the granting of credit in the Fund upon payment of contributions to the Fund by or on behalf of persons employed in education in respect of absence from duty,
 - (i) because of ill health,
 - (ii) because of pregnancy or the adoption of a child,
 - (iii) because of duties as jurors,
 - (iv) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in the *Municipal Affairs Act*,
 - (v) in order to take a course of study approved by the Commission,
 - (vi) for a period of leave authorized by the employing board,
 - (vii) in order to travel for a purpose approved by the Commission, or
 - (viii) because of participation in a position-sharing scheme approved by the employer;
- (j) providing for and regulating the granting of credit in the Fund upon payment of contributions to the Fund in respect of hiatuses in employment in education,
 - (i) because of ill health,
 - (ii) because of pregnancy or the adoption of a child,
 - (iii) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in the *Municipal Affairs Act*,

R.S.O. 1980,
c. 303

- (iv) in order to take a course of study approved by the Commission, or
- (v) in order to travel for a purpose approved by the Commission;
- (k) providing for and regulating the granting of credit in the Fund to a person employed in education or who was employed in education for prior or subsequent teaching or supervisory services performed in a part of Canada or the Commonwealth other than Ontario or in a school maintained by the Government of Canada for children of members of the Canadian Forces, for Indians or for inmates of penal institutions, prescribing the period of time or the method of determining the period of time for which the credit may be given, prescribing the amount or the method of determining the amount of the credit, limiting the purpose for which the credit may be used and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;
- (l) providing for and regulating the granting of credit in the Fund to a person employed in education in respect of prior employment in business or industry related to the employment in education, prescribing the period of time or the method of determining the period of time for which the credit may be given, prescribing the amount or the method of determining the amount of the credit, prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit and defining "prior employment in business or industry" for the purpose;
- (m) respecting the transfer of moneys to or from the Fund from or to another pension fund under an agreement approved by the Lieutenant Governor in Council under this Act, including the credits or the methods of calculating credits in the Fund and the additional contributions that may be made to the Fund in relation to such transfers;
- (n) providing for and regulating the granting of credit in the Fund for periods of teaching or supervisory service performed, with the approval of the Minister of Education, in a jurisdiction other than Ontario, and prescribing conditions in respect of the giving of such credit, prescribing the amount or the method of cal-

culating the amount of the credit and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;

- (o) prescribing the method of calculating the periods of time for which credits will be given in the Fund to teachers in designated private schools for past teaching service and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;
- (p) prescribing the conditions under which persons in receipt of allowances under this Act may become employed in education and continue to receive allowances under this Act and providing for reductions in the allowances;
- (q) defining "active service", providing for credit in the Fund in respect of active service, and prescribing the terms and conditions upon which the credit may be given, the method of calculating the period for which the credit may be given, the method of calculating the amount of the credit and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;
- (r) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with this Act or the regulations or with an Act or regulation administered by the Ministry of Education including,
 - (i) the terms and conditions upon which contributions shall be made to the Fund, and
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;
- (s) prescribing the conditions under which a refund may be made to a person who establishes credit in the Fund under the regulations or who pays money into the Fund under the regulations for the purpose of establishing credit, and prescribing the method of determining the amount of the refund. R.S.O.1980, c. 494, s. 63.

(2) A regulation made under clause (1) (i) or (l) may authorize the granting of credit in the Fund in respect of absence from

Transitional

duty because of participation in a position-sharing scheme approved by the employer or in respect of prior employment in business or industry related to employment in education by persons who ceased to be employed in education on or after the 31st day of May, 1982 and before the 1st day of September, 1984. *New.*

Where
employ-
ment ceased
before May
31st, 1982

76.—(1) Except as provided in subsection (2), the *Teachers' Superannuation Act*, being chapter 494 of the Revised Statutes of Ontario, 1980, continues to apply in respect of allowances related to persons who ceased to be employed within the meaning of that Act before the 1st day of September, 1984.

Transitional

(2) Instalments payable on or after the 1st day of September, 1984 for allowances payable to persons who ceased to be employed in education on or after the 31st day of May, 1982 and before the 1st day of September, 1984 shall be computed and paid in amounts equal to the amounts that would have been paid if this Act had come into force on the 31st day of May, 1982. *New.*

Recommence-
ment of
allowance
to widow
or widower

77.—(1) A person whose allowance under section 36 of the *Teachers' Superannuation Act*, being chapter 494 of the Revised Statutes of Ontario, 1980, as the widow or widower of an individual who died with credit in the Fund for ten or more years of service or while in receipt of an allowance under that Act, was terminated by the person's remarriage before the coming into force of this Act, is entitled, upon making an application signed by the person, to have the allowance recommence as of the first day of the month next following the month in which this Act comes into force.

Computation

(2) An allowance mentioned in subsection (1) shall be recommenced in an amount equal to the amount that would have been paid to the person on the first day of the month next following the month in which this Act comes into force if the allowance had not been terminated by the person's remarriage.

Continuation
of allowance
to child
or children

(3) Where an allowance became payable under section 36 of the said Act to the child or children of an individual mentioned in subsection (1) upon the remarriage of the widow or widower of the individual before the coming into force of this Act, the child or children continue to be entitled to the allowance in the same manner as if this Act had not come into force and notwithstanding the recommencement of the allowance to the widow or widower of the individual. *New.*

78.—(1) Section 10 of the *Teachers' Superannuation Act*, being chapter 494 of the Revised Statutes of Ontario, 1980, is repealed on the 1st day of April, 1984. Repeal

(2) The said *Teachers' Superannuation Act*, other than section 10, is repealed on the 1st day of September, 1984. Idem

79.—(1) This Act, except sections 1 to 52 and 54 to 76, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 72 comes into force on the 1st day of April, 1984. Idem

(3) Sections 1 to 52, 54 to 71 and 73 to 76 come into force on the 1st day of September, 1984. Idem

80. The short title of this Act is the *Teachers' Superannuation Act, 1983*. Short title

CHAPTER 85

An Act to amend the Provincial Courts Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 23 (2) (a) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) is a youth court for the purposes of the *Young Offenders Act* (Canada).

29-30-31,
Eliz. II,
c. 110
2. Clause 23 (2) (a) of the said Act, as re-enacted by section 1 of this Act, is repealed on the 1st day of April, 1985.

Repeal
3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment
4. The short title of this Act is the *Provincial Courts Amendment Act, 1983 (No. 2)*.

Short title

CHAPTER 86

An Act to amend the Unified Family Court Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 16 (a) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 16 (a),
re-enacted

(a) is a youth court for the purposes of the *Young Offenders Act* (Canada); and 29-30-31,
Eliz. II,
c. 110

.

2. Clause 16 (a) of the said Act, as re-enacted by section 1 of this Act, is repealed on the 1st day of April, 1985. Repeal

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

4. The short title of this Act is the *Unified Family Court Amendment Act, 1983*. Short title

CHAPTER 87

An Act to amend the Provincial Offences Act

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 149,
enacted

149. *The Summary Convictions Act*, being chapter 450 of the Revised Statutes of Ontario, 1970, continues to apply in respect of parking infractions as defined in section 14 until Part II comes into force.

Application
of
R.S.O.1970,
c. 450

(2) Subsection (1) does not apply where an appeal is taken from a decision in respect of a parking infraction as defined in section 14 of the *Provincial Offences Act*,

Application
of subs.(1)

R.S.O. 1980,
c. 400

- (a) if the appeal was filed before the 12th day of December, 1983 and the issue of the interpretation of section 148 of the *Provincial Offences Act* is a stated ground of the appeal; or
- (b) if the decision appealed from was made before the 12th day of December, 1983 and the issue of the interpretation of section 148 of the *Provincial Offences Act* was in issue before the court making the decision.

2. Section 1 shall be deemed to have come into force on the 1st day of August, 1981.

Commence-
ment

3. The short title of this Act is the *Provincial Offences Amendment Act, 1983*.

Short title

CHAPTER 88

**An Act to amend the
Proceedings Against the Crown Act**

Assented to December 16th, 1983

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Section 25 of the *Proceedings Against the Crown Act*,
being chapter 393 of the Revised Statutes of Ontario, 1980, is
repealed and the following substituted therefor:

s. 25,
re-enacted

25.—(1) Subject to subsection (2), no execution or attach-
ment or process in the nature thereof shall be issued out of
any court against the Crown.

Prohibition
of execution
against the
Crown

(2) A garnishment that is otherwise lawful may issue against
the Crown for the payment of money owing or accruing as
remuneration payable by the Crown for goods or services, sub-
ject to section 7 of the *Wages Act*.

Garnishments
against Crown

R.S.O. 1980,
c. 526

(3) The Lieutenant Governor in Council may make regu-
lations prescribing the method of service on the Crown in
respect of garnishments under subsection (2) in place of the
method prescribed in section 14.

Regulations
as to service

2. Section 26 of the *Public Service Act*, being chapter 418 of
the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980,
c. 418, s. 26,
repealed

3. This Act comes into force on a day to be named by
proclamation of the Lieutenant Governor.

Commence-
ment

4. The short title of this Act is the *Proceedings Against the
Crown Amendment Act, 1983*.

Short title

CHAPTER 89

**An Act for granting to Her Majesty certain
sums of money for the Public Service for
the fiscal year ending the 31st day of March, 1984**

Assented to December 16th, 1983

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1984; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$22,076,174,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1983, to the 31st day of March, 1984, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

\$22,076,174,500
granted for
fiscal year
1983-84

(2) Where, in the fiscal year ending the 31st day of March, 1984, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

- Accounting
for
expenditure
2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-
ment
3. This Act comes into force on the day it receives Royal Assent.
- Short title
4. The short title of this Act is the *Supply Act, 1983*.

SCHEDULE

	ESTIMATES	SUPPLEMENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor	341,200		341,200
Office of the Premier	2,200,300		2,200,300
Cabinet Office	1,623,000		1,623,000
Management Board	220,572,900		220,572,900
Government Services	372,403,300		372,403,300
Intergovernmental Affairs.....	7,021,400		7,021,400
Northern Affairs	158,457,900		158,457,900
Revenue	605,644,100	19,763,000	625,407,100
Treasury and Economics.....	305,635,000	149,347,000	454,982,000
Office of the Assembly	30,830,900	1,932,600	32,763,500
Office of the Provincial Auditor.....	4,140,900		4,140,900
Office of the Ombudsman	5,473,000		5,473,000
Justice Policy	1,228,800		1,228,800
Attorney General.....	238,459,500	19,373,500	257,833,000
Consumer and Commercial Relations.....	102,225,700	6,648,900	108,874,600
Correctional Services	218,541,600		218,541,600
Solicitor General.....	294,211,800		294,211,800
Resources Development Policy	3,384,000		3,384,000
Agriculture and Food	239,723,900		239,723,900
Energy.....	137,239,800		137,239,800
Environment.....	312,868,500		312,868,500
Industry & Trade	75,077,500	1,376,000	76,453,500
Labour	69,995,000		69,995,000
Municipal Affairs & Housing ..	1,042,341,000	7,072,000	1,049,413,000
Natural Resources	392,963,500	9,925,000	402,888,500
Tourism & Recreation.....	110,632,400		110,632,400
Transportation and Communications	1,475,879,500	55,428,000	1,531,307,500
Social Development Policy	11,624,800	2,805,500	14,430,300
Citizenship & Culture	191,279,400	3,000,000	194,279,400
Colleges and Universities	2,045,371,100		2,045,371,100
Community & Social Services .	2,260,616,200	122,849,000	2,383,465,200
Education.....	3,144,810,100		3,144,810,100
Health	7,511,836,000	82,000,000	7,593,836,000
TOTAL	<u>21,594,654,000</u>	<u>481,520,500</u>	<u>22,076,174,500</u>

PART II

PRIVATE ACTS

Chapters Pr1 to Pr45

CHAPTER Pr1

An Act respecting the City of Ottawa

Assented to January 27th, 1983

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (5) of *The Ottawa Charitable Foundation Act, 1925*, being chapter 131, is repealed and the following substituted therefor:

1925, c. 131,
s. 2 (5),
re-enacted

(5) No person shall be appointed a trustee who is not at the time of his appointment a resident of the City of Ottawa.

Qualification
as trustee

(2) Section 12 of the said Act is amended by striking out “January” in the third line and inserting in lieu thereof “March”.

s. 12,
amended

2. Notwithstanding subsection 43 (11) of the *Planning Act*, the by-law passed under section 43 of the *Planning Act* shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council of the Corporation considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the Corporation, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee
R.S.O. 1980,
c. 379

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *City of Ottawa Act, 1983*.

Short title

CHAPTER Pr2

An Act respecting
The Corporation of the City of Pembroke

Assented to January 27th, 1983

Whereas The Corporation of the City of Pembroke, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the *Local Improvement Act*, all assessments, rates or charges levied or to be levied for works constructed before this Act comes into force under the authority of by-laws heretofore enacted under that Act and for which debentures have not yet been issued shall be assumed and paid for by the Corporation, as a whole, as a charge upon all the rateable property in the City of Pembroke.

Assumption
of local
improvement
charges
R.S.O. 1980,
c. 250

(2) The Corporation is hereby authorized to issue debentures for works to which subsection (1) applies in such amounts as the Ontario Municipal Board has approved so long as the total amount so debentured does not exceed \$601,621.35.

Debentures

(3) Debentures issued under subsection (2) shall be a charge upon all of the rateable property in the City of Pembroke.

Idem

(4) The Corporation shall not be obligated to hold any courts of revision or take any other proceedings under the *Local Improvement Act* with respect to works to which subsection (1) applies.

Courts of
revision

2. Sections 58 to 60 of the *Ontario Municipal Board Act* related to the certifying of the validity of debentures and to the form of the certificate of the Board apply with necessary modifications in respect of debentures issued under subsection 1 (2).

Application
of
R.S.O. 1980,
c. 347

678	Chap. Pr2	PEMBROKE (CITY)	1983
Commence- ment	<p>3. This Act comes into force on the day it receives Royal Assent.</p>		
Short title	<p>4. The short title of this Act is the <i>City of Pembroke Act, 1983</i>.</p>		

CHAPTER Pr3

An Act to revive Glanworth Investments Limited

Assented to January 27th, 1983

Whereas Joanne Overzet hereby represents that Glanworth Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 22nd day of May, 1968; that the Minister of Consumer and Commercial Relations by order dated the 7th day of July, 1980 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 7th day of July, 1980; that the applicant was the sole director and holder of all the issued shares of the Corporation at the time of its dissolution; that the failure to comply with the said Act occurred by reason of inadvertence; that the Corporation, at the time of its dissolution, was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Glanworth Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Glanworth Investments Limited Act, 1983*.

Short title

CHAPTER Pr4

An Act to revive Beth Sholom Synagogue

Assented to January 27th, 1983

Whereas Mendel Green, Philip Stein, Alexander Serota and Samuel Zale hereby represent that Beth Sholom Synagogue, herein called the Corporation, was incorporated by letters patent dated the 25th day of January, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of Beth Sholom Synagogue; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Beth Sholom Synagogue is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence- ment	2. This Act comes into force on the day it receives Royal Assent.
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Short title	3. The short title of this Act is the <i>Beth Sholom Synagogue Act, 1983</i> .
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CHAPTER Pr5

An Act respecting the City of Kitchener

Assented to February 23rd, 1983

Whereas The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, “amusement arcade” means a place where three or more coin or token operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the *Liquor Licence Act*.

Interpre-
tation

R.S.O. 1980,
c. 244

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing,

Licensing,
etc., of
amusement
arcades

- (a) amusement arcades or any class or classes thereof;
and
- (b) persons who operate amusement arcades to which a by-law passed under clause (a) applies,

and for revoking or suspending any such licence.

(3) A by-law passed under this section shall be deemed to be a by-law passed under the *Municipal Act*.

Application
of R.S.O.
1980, c. 302

2.—(1) Section 4 of the *City of Kitchener Act, 1981*, being chapter 90, is repealed and the following substituted therefor:

1981, c. 90,
s. 4,
re-enacted

4.—(1) The board shall be composed of nine directors as follows:

Board of
directors

- 1. The mayor of the City.

2. Three directors, other than the mayor of the City, who shall be members of council.

3. Five directors who shall not be members of council.

Mayor's
alternate

(2) The mayor of the City may from time to time designate a member of council, other than a director appointed to the board under paragraph 2 of subsection (1), to be his alternate at meetings of the board in the place and stead of the mayor and the designated alternate shall have all of the powers and duties of a director at a meeting of the board.

s. 5 (1),
re-enacted

(2) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Directors

(1) The directors referred to in paragraphs 2 and 3 of subsection 4 (1) shall be appointed by the council by by-law.

s. 5 (4),
re-enacted

(3) Subsection 5 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Directors who are not members of council, appointed after the first directors, shall be appointed for a term of three years.

Transition

3.—(1) Notwithstanding that under section 4 of the *City of Kitchener Act, 1981*, the board of directors of The Centre in The Square Inc. is to be composed of nine directors, the mayor shall become a director of The Centre in The Square Inc., forthwith upon the coming into force of this section and, until the successors of the directors appointed under paragraph 1 of subsection 5 (4) of that Act, as that Act read on the 1st day of January, 1982, are appointed, the board shall be composed of ten directors.

Idem

(2) The three directors appointed under paragraph 1 of subsection 5 (4) of the *City of Kitchener Act, 1981*, as that Act read on the 1st day of January, 1982, shall, at the end of their terms, be replaced by two directors who are not members of council.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Kitchener Act, 1983*.

CHAPTER Pr6

**An Act respecting the Certified General
Accountants Association of Ontario**

Assented to February 23rd, 1983

Whereas The Certified General Accountants Association of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of August, 1957; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation “Certified General Accountant”; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Association” means The Certified General Accountants Association of Ontario;
- (b) “Board” means the Board of Governors of the Association;
- (c) “by-law” means a by-law of the Association;
- (d) “registered” means registered as a member under this Act, and “registration” has a corresponding meaning;
- (e) “registrar” means the registrar of the Association;
- (f) “student” means a student of the Association as provided for in this Act.

2.—(1) The Certified General Accountants Association of Ontario is hereby continued as a corporation without share

Association
continued

capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Board

(2) The members of the Board and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an accountant;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association; and
- (c) to maintain discipline among members of the Association and students.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
Governors

5.—(1) The affairs of the Association shall be managed by the Board of Governors.

Composition

(2) The Board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Board, a majority of the members of the Board constitutes a quorum. Quorum

(6) The Board shall elect from its number a president, an executive vice-president and three other vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. Chairman, etc.

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Vacancies

(8) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board. Registrar

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, Proxies

- (a) no proxy shall be exercised by a person who is not a member of the Association; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Board may pass by-laws, By-laws

- (a) prescribing the qualifications for and conditions of registration for students;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of

the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;

- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Board and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association; and
- (g) authorizing the making of grants for any purpose that may tend to advance accounting knowledge and education, or improve standards of practice in accounting, or support and encourage public information and interest in the past and present role of accounting in society.

Confirmation
of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Board but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection of
by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;

- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (d) has passed such examinations as the Board may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association. Register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours. Inspection of register

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction. Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal. Record

(6) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper. Powers of Court

9.—(1) Every member of the Association may use the designation “Certified General Accountant” and may use after his name the initials “C.G.A.” indicating that he is a Certified General Accountant. Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation “Certified General Accountant” or “C.G.A.” alone or in combination with any other word, name, title, initial or description, or Offence

implies, suggests or holds out that he is a Certified General Accountant is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to
practise
unaffected

10.—(1) This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an accountant in the Province of Ontario.

Application
of R.S.O.
1980, c. 405

(2) The rights and privileges of a member of the Association do not include the right to practise as a public accountant, as defined in the *Public Accountancy Act*, unless the member is licensed under that Act.

Surplus

11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Certified General Accountants Association of Ontario Act, 1983*.

CHAPTER Pr7

An Act respecting
The Missionary Church, Canada East

Assented to May 26th, 1983

Whereas The Missionary Church, Canada East, herein called the Corporation, hereby represents that it was incorporated by letters patent issued under the laws of the Province of Ontario on the 22nd day of April, 1976; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that pursuant to a lease between Palmar Holdings Limited and the Corporation, the Corporation has acquired a leasehold interest for a term of ten years in lands owned by Palmar Holdings Limited and the buildings erected thereon; that the lands and buildings have been assessed and taxed by The Corporation of the Borough of Scarborough; and whereas the Corporation hereby applies for special legislation to authorize The Corporation of the Borough of Scarborough to exempt the aforesaid real property, occupied and used by the Corporation in the Borough of Scarborough from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Borough of Scarborough may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of The Missionary Church, Canada East, being the lands and buildings known as 293 Port Union Road, so long as the land is occupied and used solely for the purposes of the Corporation, on such conditions as may be set out in the by-law.

Exemption
from
taxation

R.S.O. 1980,
c. 31

2.—(1) The council of The Corporation of the Borough of Scarborough and The Municipality of Metropolitan Toronto may by by-law reimburse the Corporation for taxes, or any portion thereof, paid in respect of the land referred to in section 1 for the period commencing on the 1st day of November,

Reimburse-
ment of taxes
already paid

1977 and ending on the day that a by-law passed under section 1 comes into force.

Idem

(2) The Board of Education of the Borough of Scarborough and the Metropolitan Toronto School Board may, by resolution, reimburse the Corporation for school taxes, or any portion thereof, paid in respect of the land referred to in section 1 for the period commencing on the 1st day of November, 1977 and ending on the day that a by-law passed under section 1 comes into force.

Deemed exemption under R.S.O. 1980, cc. 314, 31

3. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, an exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Missionary Church, Canada East Act, 1983*.

CHAPTER Pr8

An Act to revive Dave Holliday Limited

Assented to May 26th, 1983

Whereas Louise Sophia Holliday, Gordon Lloyd Holliday and Mary Lou Holliday hereby represent that Dave Holliday Limited, herein called the Corporation, was incorporated by letters patent dated the 27th day of April, 1966; that the Minister of Consumer and Commercial Relations, by order dated the 15th day of August, 1973 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 19th day of September, 1973; that Louise Sophia Holliday and Gordon Lloyd Holliday were directors of the Corporation at the time of its dissolution together with David Carl Holliday, now deceased; that Louise Sophia Holliday, Gordon Lloyd Holliday and David Carl Holliday were the holders of all of the issued common shares of the Corporation at the time of its dissolution and that Louise Sophia Holliday, Gordon Lloyd Holliday and Mary Lou Holliday are the persons entitled to be the shareholders of the Corporation upon its revival; that notice of the dissolution of the Corporation was sent to the Corporation; that the applicants were not aware of the dissolution of the Corporation until more than two years after the date of its dissolution; that the Corporation at the time of its dissolution was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Dave Holliday Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Dave Holliday Limited Act, 1983*.

CHAPTER Pr9

**An Act to revive
Thunder Bay United Church Camps Incorporated**

Assented to May 26th, 1983

Whereas Clifford Ian House, Donald Ray McConkey and Floren Lester Prosyk hereby represent that Thunder Bay United Church Camps Incorporated, herein called the Corporation, was incorporated by letters patent dated the 26th day of June, 1944; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that Clifford Ian House is the chairman of the on-going organization carried on in the name of the Corporation; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on the camp management and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Thunder Bay United Church Camps Incorporated is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date

Corporation
revived

of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Thunder Bay United Church Camps Incorporated Act, 1983*.

CHAPTER Pr10

**An Act to revive
Thomas-Hamilton-Webber Limited**

Assented to May 26th, 1983

Whereas Sidney Clair Webber hereby represents that Thomas-Hamilton-Webber Limited, herein called the Corporation, was incorporated by letters patent dated the 5th day of June, 1946; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of July, 1975, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation for default in filing the annual return dated the 31st day of March, 1971; that the filing fee for the said annual return was paid; that subsequent annual returns have been filed and the fees paid; that the Minister declared the Corporation dissolved on the 20th day of August, 1975; that the applicant was a shareholder and director of the Corporation at the time of its dissolution; that the Corporation, at the time of its dissolution, owned certain assets and it is desirable to revive the Corporation so that it may deal with those assets; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Thomas-Hamilton-Webber Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

3. The short title of this Act is the *Thomas-Hamilton-Webber Limited Act, 1983*.

CHAPTER Pr11

**An Act to revive Coptic Orthodox
Patriarchate of Alexandria, The Church of
The Virgin Mary and St. Athanasius**

Assented to May 26th, 1983

Whereas Saleh Albreish, Samuel Fanous, Nabil Kamel and Sorial Sorial hereby represent that Coptic Orthodox Patriarchate of Alexandria, The Church of The Virgin Mary and St. Athanasius, herein called the Corporation, was incorporated by letters patent dated the 13th day of March, 1975; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of the on-going church organization that is carried on in the name of the Corporation; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Coptic Orthodox Patriarchate of Alexandria, The Church of The Virgin Mary and St. Athanasius is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its

Corporation
revived

liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Church of The Virgin Mary and St. Athanasius Act, 1983*.

CHAPTER Pr12

An Act respecting the Borough of East York

Assented to June 6th, 1983

Whereas The Corporation of the Borough of East York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “retail business” means the selling or offering for sale of goods or services by retail;
- (b) “retail business establishment” means the land and premises where a retail business is carried on.

(2) The council of the Corporation may pass by-laws,

Retail
business
establish-
ments,
by-laws re
litter

- (a) requiring the tenant or occupant of a retail business establishment to remove daily all litter, refuse and debris from,
 - (i) all sidewalks, including municipal sidewalks, on or abutting the retail business establishment, and
 - (ii) the parking lot, if there is a parking lot appurtenant to the retail business establishment; and
- (b) requiring the owner of land and premises containing more than one retail business establishment to remove daily all litter, refuse and debris from,
 - (i) all common areas of the land and premises including, if any, all parking areas, and

- (ii) all sidewalks, including municipal sidewalks, on or abutting the land and premises.

Application

(3) A by-law passed under this section may be limited in its application,

- (a) to such area or areas of the Borough of East York;
- (b) to such class or classes of retail business establishments; and
- (c) to such class or classes of land and premises containing more than one retail business establishment,

as may be set out in the by-law.

Destruction
of ravine
lands

R.S.O. 1980,
c. 530

2.—(1) Subject to the *Weed Control Act*, the council of the Corporation may pass by-laws,

- (a) regulating the destruction of trees or other natural vegetation, or any class or classes thereof, on any land within any defined area or areas of the municipality where such land is hereinafter designated as either ravine or non-buildable lands by an official plan of the Corporation; and
- (b) prohibiting the destruction of such trees or other natural vegetation and the excavating or other altering of contours of any such land without the consent of the Corporation.

Appeal to
O.M.B.

(2) Where the consent of the Corporation under this section is refused or the Corporation neglects to make a decision thereon within forty-five days after the receipt by the clerk of the application, the owner, or the owner's agent duly authorized in writing, may appeal to the Ontario Municipal Board within 180 days from the refusal to give the consent or within 180 days after the expiration of the forty-five days hereinbefore referred to, as the case may be, and the Board shall hear the appeal and either dismiss the same or direct the Corporation to give the consent and the decision of the Board shall be final.

Idem

(3) The person appealing to the Ontario Municipal Board under subsection (2) shall give notice of the appeal in such manner and to such persons as the Board may direct.

Pits and
quarries

R.S.O. 1980,
c. 378

(4) No by-law passed under this section shall apply to any lands for which a licence or permit to open, establish or operate a pit or quarry has been given or issued under the *Pits and Quarries Control Act*.

3.—(1) In this section, “drain” means a sewerage drain, a storm drain or a combined sewerage and storm drain.

Interpre-
tation

(2) The Corporation may pay in whole or in part the cost of clearing any blockage of a private drain or damage done to a private drain, caused by a tree on a highway, subject to such conditions as the council of the Corporation may prescribe from time to time, any liability of the Corporation in respect thereof notwithstanding.

Clearing
blockages
in drains

4.—(1) In this section,

Interpre-
tation

(a) “municipal taxes” means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;

(b) “owner” means a person assessed as the owner of residential real property and includes an owner within the meaning of the *Condominium Act*;

R.S.O. 1980,
c. 84

(c) “personal residence” means the residence ordinarily inhabited by the owner.

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the Borough of East York a uniform credit or refund in an amount of \$150 per year against municipal taxes for the years 1983, 1984, 1985 and 1986, in respect of the residential real property, if the owner or the spouse of the owner, or both,

Tax credit
and refund
authorized

(a) occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence;

(b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;

(c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and

(d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(3) The following conditions apply to a credit or refund authorized under subsection (2):

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single-family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the *Ontario Pensioners Property Tax Assistance Act*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

R.S.O. 1980,
c. 352

Exception

(4) Notwithstanding paragraph 4 of subsection (3), where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

Additional powers

(5) A by-law passed under subsection (2) may,

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause (2) (c); and
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

Lien

(6) The amount of any credit or refund allowed from time to time under a by-law passed under subsection (2) shall, on regis-

tration in the appropriate land registry office of a notice of lien, be a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed.

(7) The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except, Idem

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this section; or
- (b) by way of a mortgage or charge other than a sale or foreclosure under the mortgage or charge.

(8) Where a by-law passed under subsection (2) is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this section in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered and thereupon the lien in respect of the real property is discharged. Notice of lien and discharge of lien

(9) A notice of lien under subsection (8) may be in Form 1 and a certificate of payment under that subsection may be in Form 2. Forms

5. This Act comes into force on the day it receives Royal Assent. Commence-ment

6. The short title of this Act is the *Borough of East York Act, 1983*. Short title

FORM 1

Borough of East York Act, 1983

NOTICE OF LIEN

The Treasurer of The Corporation of the Borough of East York hereby gives notice that a credit or refund has been allowed under By-law No. of the said municipality made under section 4 of the *Borough of East York Act, 1983*.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of as Parcel, in the register for Section, as more particularly set out below:

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the Borough of East York upon the above-mentioned real property in accordance with section 4 of the *Borough of East York Act, 1983*.

DATED at the Borough of East York, this day of, 19 . . .

.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, The Corporation of the Borough of East York, 550 Mortimer Avenue, Toronto, Ontario M4J 2H2.

*Note: Delete the inappropriate paragraph.

FORM 2

Borough of East York Act, 1983

CERTIFICATE OF PAYMENT

The Treasurer of The Corporation of the Borough of East York hereby certifies that all amounts due to the said municipality under section 4 of the *Borough of East York Act, 1983* have been paid in full.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of as Parcel, in the register for Section, as more particularly set out below:

AND that the Lien, described in the Notice of Lien registered as Instrument No. is hereby discharged.
DATED at the Borough of East York, this day of, 19...

.....
Treasurer

*Note: Delete the inappropriate paragraph.

CHAPTER Pr13

**An Act to revive
Smith Bros. & Sons Builders Limited**

Assented to June 6th, 1983

Whereas Loftus Robert Smith, Walter Arthur Smith, Stanley Charles Smith and Alma Lilian Smith hereby represent that Smith Bros. & Sons Builders Limited, herein called the Corporation, was incorporated by letters patent dated the 5th day of October, 1949; that the Minister of Consumer and Commercial Relations by order dated the 4th day of December, 1974 and made under the authority of subsection 251(3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 8th day of January, 1975; that the applicants were the directors of the Corporation and the holders of the majority of the shares in the Corporation at the time of the dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned real property; and whereas the applicants hereby apply for special legislation reviving the Corporation in order that it may deal with the real property; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Smith Bros. & Sons Builders Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Revival

2. This Act comes into force on the day it receives Royal Assent. Commencement

Short title

3.

The short title of this Act is the *Smith Bros. & Sons Builders Limited Act, 1983.*

CHAPTER Pr14

**An Act to continue The Corporation of
the Township of Owens, Williamson and
Idington under the name of The Corporation
of the Township of Val Rita-Harty**

Assented to June 9th, 1983

Whereas The Corporation of the Township of Owens, Williamson and Idington hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Owens, Williamson and Idington is hereby continued under the name of The Corporation of the Township of Val Rita-Harty.

Name
changed

2. Any reference to The Corporation of the Township of Owens, Williamson and Idington or the Township of Owens, Williamson and Idington in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the Township of Val Rita-Harty and to the Township of Val Rita-Harty, respectively.

References
to former
name

3. This Act comes into force on the 25th day of June, 1983.

Commencement

4. The short title of this Act is the *Township of Val Rita-Harty Act, 1983*.

Short title

CHAPTER Pr15

**An Act to revive the
United Native Friendship Centre**

Assented to June 21st, 1983

Whereas Calvin Morrisseau, Barbara McKay, Gerald Martin, Dennis Perreault and Janet Owen hereby represent that United Native Friendship Centre, herein called the Corporation, was incorporated by letters patent dated the 23rd day of January, 1973; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicant Calvin Morrisseau was a director of the Corporation at the time of its dissolution and that all of the applicants are directors of the ongoing organization that is carried on in the name of the Corporation; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was providing services to native people as authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. United Native Friendship Centre is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution

Corporation
revived

in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *United Native Friendship Centre Act, 1983*.

CHAPTER Pr16

**An Act respecting the Bernard Betel
Centre for Creative Living**

Assented to June 21st, 1983

Whereas the Bernard Betel Centre for Creative Living, herein called the Centre, hereby represents that is was incorporated by letters patent as the Centre for Creative Living on the 5th day of June, 1973; and the name of the Centre was changed by supplementary letters patent dated the 30th day of August, 1982, to the Bernard Betel Centre for Creative Living; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada) and is an approved corporation under the *Elderly Persons Centres Act*; that the Centre has a leasehold interest in lands and premises known municipally as 1003 Steeles Avenue West, in the City of North York, which premises are leased from the Metropolitan Housing Company Limited; that the Centre hereby applies for special legislation to exempt its interest in the aforesaid real property, occupied and used by it in the City of North York, from taxes for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148
R.S.O. 1980,
c. 131

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of North York may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Centre, being the lands and buildings known as 1003 Steeles Avenue West, in the City of North York, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax
exemption

R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Bernard Betel Centre for Creative Living Act, 1983*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in The Municipality of Metropolitan Toronto, containing by admeasurement 2.972 acres, more or less, and being composed of that part of Block “B” according to a Plan filed in the Land Registry Office for the Registry Division of Toronto Boroughs (No. 64) as Number 6715, more particularly described as follows:

PREMISING that the west limit of the said Block “B” has a bearing of North 10° 26’ 00” West and relating all bearings herein thereto;

COMMENCING at a point on the said west limit of Block “B” distant 220 feet measured southerly therealong from its northwest angle;

THENCE North 79° 34’ 00” East, 215 feet;

THENCE South 10° 26’ 00” East, 130 feet;

THENCE South 87° 41’ 30” East, 199.13 feet, more or less, to a point on the eastern limit of the said Block “B”;

THENCE northerly along the said eastern limit of Block “B” being a curve to the left with radius of 531.01 feet, an arc distance of 56.79 feet having a chord equivalent of 56.76 feet on a bearing of North 7° 22’ 10” West to the end of the said curve;

THENCE North 10° 26’ 00” West and continuing along the said eastern limit of Block “B”, 327.24 feet, more or less, to the northeast limit thereof;

THENCE northwesterly along the said northeast limit of Block “B” being a curve to the left with a radius of 50 feet, an arc distance of 87.08 feet having a chord equivalent of 74.52 feet on a bearing of North 58° 36’ 30” West to the northern limit of the said Block “B”.

THENCE South 73° 13’ 00” West along the said northern limit of Block “B”, 358.93 feet, more or less, to the northwest angle thereof;

THENCE South 10° 26’ 00” East along the said west limit of Block “B”, 220 feet, more or less, to the point of commencement.

CHAPTER Pr17

**An Act to revive
The Star of Progress Spiritual Church**

Assented to June 21st, 1983

Whereas Reverend Patricia Dunbar, Reverend Gordon Riddell and Wolfgang Schmidt hereby represent that The Star of Progress Spiritual Church, herein called the Corporation, was incorporated by letters patent dated the 24th day of November, 1925; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants Reverend Patricia Dunbar and Reverend Gordon Riddell are ministers of the on-going church organization that is carried on in the name of the Corporation and the applicant, Wolfgang Schmidt, is a director thereof; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Star of Progress Spiritual Church is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities,

Corporation
revived

contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Star of Progress Spiritual Church Act, 1983*.

CHAPTER Pr18

An Act respecting Morton Terminal Limited

Assented to June 21st, 1983

Whereas Morton Terminal Limited and The Essex Terminal Railway Company hereby represent that Morton Terminal Limited was authorized by *The Morton Terminal Limited Act, 1972* to acquire, operate, improve, equip, maintain, lease and sell and otherwise dispose of a railway from a point in the City of Windsor to a point in or near the Town of Amherstburg; that the said Act also provided that in so far as the legislative authority of the Legislature extends the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by The Essex Terminal Railway Company or to which it is or would hereinafter have been or become entitled are, on the 1st day of July, 1972, vested in the Company; that the necessary federal approval to the transfer of the undertaking of The Essex Terminal Railway Company to Morton Terminal Limited was not given; that it is desirable that the said Act be repealed and to assure that the powers, rights, privileges, franchises, assets, effects and properties of The Essex Terminal Railway Company did not vest in Morton Terminal Limited; and whereas the applicants apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble
1972, c. 182

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Morton Terminal Limited Act, 1972*, being chapter 182, is repealed.

1972, c. 182,
repealed

2. Section 2 of the said Act shall be deemed to have been of no effect and,

Powers,
rights,
property,
etc.

- (a) the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by The Essex Terminal Railway Company or to which it is or would have been or has become entitled, shall be deemed never to have vested in Morton Terminal Limited under the said section 2; and

- (b) no transfer of title or ownership shall be deemed to have been made from The Essex Terminal Railway Company to Morton Terminal Limited nor any right to any such transfer of title or ownership shall be deemed to have been granted or conveyed from The Essex Terminal Railway Company to Morton Terminal Limited under the said section 2.

Rights
of third
persons

3. This Act does not affect any agreement, transfer, conveyance, lease or other disposition or use of any power, right, privilege, franchise, asset, effect or property, real or personal, made by Morton Terminal Limited prior to the coming into force of this Act.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Morton Terminal Limited Act, 1983*.

CHAPTER Pr19

**An Act to revive
Andonald Enterprises Limited**

Assented to June 21st, 1983

Whereas David L. Chandler hereby represents that Andonald Enterprises Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of December, 1963; that the Minister of Consumer and Commercial Relations, by order dated the 21st day of July, 1980 and made under the authority of subsection 251(3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with *The Corporations Tax Act, 1972*, being chapter 143, and declared that the Corporation be dissolved on the 21st day of July, 1980; that on the 21st day of July, 1980, the applicant was a director, the president and the only beneficial common shareholder of the Corporation; that the notice of default required by subsection 251(1) of the said *Business Corporations Act*, although sent to the Corporation, was not received by the applicant and the applicant was not aware of the dissolution of the Corporation until more than two years after its dissolution; that the Corporation owned property at the time of its dissolution and was carrying on the business authorized by its letters patent; that the applicant wishes to revive the Corporation in order that it may deal with its property and carry on business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Andonald Enterprises Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title **3.** The short title of this Act is the *Andonald Enterprises Limited Act, 1983*.

CHAPTER Pr20

**An Act respecting
St. Augustine’s Seminary of Toronto**

Assented to June 21st, 1983

Whereas St. Augustine’s Seminary of Toronto, herein called the Charter Corporation, hereby represents that it was founded by the Roman Catholic Archbishop of Toronto in 1913 in its present location in the Borough of Scarborough, in The Municipality of Metropolitan Toronto; that the Charter Corporation was incorporated by letters patent, dated the 15th day of September, 1914, for the purpose of the training of priests of the Roman Catholic Church; that the letters patent of the Charter Corporation were amended on the 15th day of May, 1962; that the Charter Corporation has conducted and maintained an institution of learning since 1913 and is a founding member of the Toronto School of Theology; and whereas the applicant hereby applies for special legislation providing for the modification of its organization, government and administration, and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Academic Council” means the Academic Council of the Seminary;
- (b) “academic officer” means a person who directs an academic program of the Seminary;
- (c) “administrative officer” means an employee of the Seminary so designated by the Board;
- (d) “administrative staff” means those persons employed by the Seminary, other than the President-Rector, the academic officers, the administrative officers and the members of the faculty;

- (e) "Archbishop" means the Archbishop of the Archdiocese;
- (f) "Archdiocese" means the Roman Catholic Archdiocese of Toronto;
- (g) "Board" means the Board of Governors of the Seminary;
- (h) "Charter Corporation" means St. Augustine's Seminary of Toronto as it existed immediately before the coming into force of this Act;
- (i) "full-time members of the faculty" means those members of the faculty so designated by the Board;
- (j) "members of the faculty" means those persons employed by the Seminary who hold the rank of professor, lecturer, instructor or senior librarian;
- (k) "President-Rector" means the chief executive officer of the Seminary;
- (l) "Seminary" means St. Augustine's Seminary of Toronto as established by subsection 2 (1);
- (m) "student" means a person registered at the Seminary for full or part-time study in a program that leads to a degree or certificate;
- (n) "year" means the membership year of the Board and of the Academic Council.

Application
of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Seminary, except to the extent that it is inconsistent with this Act.

Re-incorporation

2.—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "St. Augustine's Seminary of Toronto".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary, and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the Seminary.

By-laws,
etc.,
continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall con-

tinue as by-laws, orders, regulations, resolutions and appointments of the Seminary until amended, repealed or revoked.

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Dissolution
of Charter
Corporation

3.—(1) The Board of Governors, until reconstituted in accordance with subsection (2), shall consist of His Eminence Gerald Emmett Cardinal Carter, Roman Catholic Archbishop of Toronto, the Most Reverend Aloysius M. Ambrozic, the Most Reverend Leonard J. Wall and Reverend Brian D. Clough.

First
members
of the Board

(2) Within twelve months after the coming into force of this Act, the Board shall be reconstituted to consist of,

Composition
of Board

- (a) the Archbishop, the Senior Vicar General of the Archdiocese, the Chancellor of the Archdiocese, the President-Rector of the Seminary, the Director of Permanent Deacons in the Archdiocese and the Dean of Studies of the Seminary, who shall be *ex officio* members; and
- (b) eight members of whom at least four are to be lay persons not otherwise connected with the Seminary, elected by the Board for a term of two years.

(3) The Board may by by-law provide for the election and retirement, in rotation, of elected members of the Board.

Staggered
terms

(4) No person shall be elected as a member of the Board unless the person is a Canadian citizen.

Canadian
citizenship

(5) Subject to subsection (6), a member of the Board is eligible for re-election except that no such member shall serve for more than three consecutive terms, but on the expiration of two years after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.

Term of
office

(6) The limit of three consecutive terms referred to in subsection (5) does not include service on the Board,

Idem

- (a) for the balance of an unexpired term for a person who becomes a member of the Board under subsection (7); or
- (b) for a term reduced under subsection (3).

Vacancies

(7) Where a vacancy occurs for any reason among the elected members of the Board before the term for which the person was elected has expired, the Board, in its sole discretion, shall determine whether the vacancy is to be filled and, if so, the person elected by the Board to fill such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Chairman
and
Chancellor

(8) The Archbishop shall be the Chairman of the Board and Chancellor of the Seminary and he may designate,

- (a) any member of the Board to assume any or all of the duties and powers of either or both of the offices of Chairman of the Board and Chancellor of the Seminary; or
- (b) any person to assume any or all of the duties and powers of the office of Chancellor of the Seminary.

Idem

(9) During a vacancy in the office of the Archbishop, all duties and powers of the Chairman of the Board and Chancellor of the Seminary shall be assumed by the person who, in accordance with the provisions of canon law, is elected Vicar Capitular of the Archdiocese or appointed Apostolic Administrator.

Powers
of Board

(10) The government, conduct, management and control of the Seminary and of its revenues, property, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study;
- (c) after consideration of the recommendations, if any, of the Academic Council and with the approval of the Chairman of the Board, to appoint the President-Rector;
- (d) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff;
- (e) to appoint and promote members of the faculty and academic officers, but,

- (i) the appointment of academic officers and the appointment and promotion of full-time members of the faculty shall be on the recommendation of the Academic Council, and
 - (ii) the appointment of temporary or part-time faculty shall be made by the Board;
- (f) to grant tenure and leave and to suspend and remove the academic officers and members of the faculty;
- (g) to delegate such of its powers under clauses (d), (e) and (f) as it considers proper to the President-Rector or to such other officer or employee of the Seminary as may be recommended by the President-Rector;
- (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers but where any power to act for the Board is delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to federate or affiliate the Seminary with any other institution of higher learning and to terminate such federation or affiliation;
- (j) to appoint a member or members of the Board or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,
- and to affix the corporate seal of the Seminary thereto;
- (k) to borrow money for the purposes of the Seminary, with the permission of the Chairman of the Board, and give security therefor on such terms and in such amounts as it may deem advisable;
- (l) to invest all money that comes into its hands that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers, imposed by the terms of the instruments cre-

ating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine moneys belonging to various trusts in its care into a common trust fund;

- (m) to establish and collect fees and charges for tuition and for services of any kind offered by the Seminary and collect fees and charges on behalf of any entity, organization or element of the Seminary; and
- (n) to establish from time to time the membership year of the Board.

Auditors

R.S.O. 1980,
c. 405

4. The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit, at least annually, the accounts and transactions of the Seminary.

Report to
Minister

5.—(1) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

(3) The Board shall make available to the public an annual report, including an annual financial report, in such form and manner as the Board may determine.

Academic
Council

6.—(1) There shall be an Academic Council of the Seminary composed of,

- (a) the President-Rector, the Vice-Rector and the president of the Seminary student body, who shall be *ex officio* members;
- (b) such academic officers or administrative officers of the Seminary as may be appointed by the Academic Council;
- (c) the full-time members of the faculty; and
- (d) such students as may be elected from among themselves by ballot.

Student
members

(2) The Academic Council shall by by-law determine the number of students to be elected to the Academic Council and the manner and procedure for the election of such students.

(3) The term of office for a student member shall be one year. Idem

(4) The President-Rector shall be Chairman of the Academic Council and the Vice-Rector shall be the Vice-chairman. Chairman,
Vice-
chairman

7. The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds and subject to subsection 3 (10), the power to determine the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power, Powers of
Academic
Council

- (a) to enact by-laws for the conduct of its affairs;
- (b) to recommend to the Board the appointment of the President-Rector and academic officers and the appointment and promotion of the full-time members of the faculty;
- (c) to make recommendations to the Board with respect to the establishment and termination of programs and courses of study;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the Seminary and continued registration therein and the qualifications for graduation;
- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievements;
- (g) to grant degrees in theology, including honorary degrees;
- (h) to appoint such committees as it may consider advisable and delegate to any such committees any of its powers; and
- (i) to establish from time to time the membership year of the Academic Council.

8.—(1) Subject to subsections (2) and (3), the meetings of the Board and of the Academic Council shall be open to the public and prior notice of the meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and Meetings
open to
public

the Academic Council by by-law shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

Meetings
in camera

(2) Where a matter confidential to the Seminary is to be considered at a meeting of the Board or Academic Council, the part of the meeting concerning such matter may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Academic Council, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Academic Council, as the case may be, and such individual.

By-laws
open for
inspection

9.—(1) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal business hours.

Publication

(2) The Board and the Academic Council shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Objects

10. The objects and purposes of the Seminary are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, spiritual, social, moral and physical development of the members of the student body and faculty and the betterment of society.

Property
of Charter
Corporation

11. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation, the Board or the Seminary or any of its divisions or departments or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Seminary.

Power
to hold
property

12. The Seminary has the power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold, possess and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

13. Upon dissolution of the Seminary and after payment of all debts and liabilities, the remaining property of the Seminary shall be distributed or disposed of to the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada, and any property which by virtue of a devise or bequest would have, but for the dissolution, vested in the Seminary shall vest in the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada.

Dissolution

14.—(1) The Seminary shall be carried on without the purpose of gain for its members and any profits or other accretions to the Seminary shall be used in promoting its objects and purposes.

Application of funds, etc.

(2) The property of the Seminary shall be applied solely for its objects and purposes.

Idem

15. This Act comes into force on the day it receives Royal Assent.

Commencement

16. The short title of this Act is the *St. Augustine's Seminary Act, 1983*.

Short title

CHAPTER Pr21

An Act respecting Frontier College

Assented to November 9th, 1983

Whereas Frontier College hereby represents that it was incorporated by an Act of Parliament on the 26th day of May, 1922; that Frontier College is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that Frontier College owns real property in the City of Toronto which it uses as the headquarters for its educational and social programs which are carried out throughout the country; and whereas Frontier College hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) So long as the real property known municipally as 31 Jackes Avenue in the City of Toronto is owned by Frontier College and is actually used and occupied for its purposes, the real property shall be exempt from taxes for municipal and school purposes, except for local improvement rates.

Tax
exemption

(2) Where Frontier College acquires real property in the City of Toronto in substitution for the real property described in subsection (1), that subsection shall apply with necessary modifications to the substituted real property and any real property substituted therefor and upon the substituted real property becoming exempt from taxation, the tax exemption with respect to the previously exempted property shall forthwith cease to apply.

Idem

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act* the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

4.

The short title of this Act is the *Frontier College Act*, 1983.

CHAPTER Pr22

**An Act to revive
Roitman Investments Limited**

Assented to November 9th, 1983

Whereas Merrill Marvin Roitman, Peggy Naiman and Betty Stein hereby represent that Roitman Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of July, 1957; that the Provincial Secretary by order dated the 1st day of April, 1965 and made under the authority of subsection 326 (2) of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 6th day of May, 1965; that the applicants herein were the sole directors and majority shareholders of the Corporation at the time of its dissolution; that the notice of default required by the said subsection 326 (2) of *The Corporations Act* although sent to the Corporation was not received by the applicants; that the applicants were not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation was at the time of its dissolution carrying on active business and active business has continued to be carried on in the name of the Corporation since its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Roitman Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Roitman Investments Limited Act, 1983*.

CHAPTER Pr23

An Act respecting the
Canadian National Exhibition Association

Assented to November 9th, 1983

Whereas the Canadian National Exhibition Association hereby represents that it is desirable to revise its Act of incorporation to alter the composition of its Board of Directors, to change its membership and to amend its powers and privileges; and whereas the Association hereby applies for special legislation for such purposes and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Association” means the Canadian National Exhibition Association;
- (b) “Board” means the Board of Directors of the Association;
- (c) “director” means a director of the Association;
- (d) “Municipality” means The Municipality of Metropolitan Toronto.

2. The several persons and representatives of bodies from time to time constituting the members of the Association are hereby continued as a body politic and corporate by the name of “Canadian National Exhibition Association”.

Corporation
continued

3. The head office of the Association shall be in the Municipality.

Head office

4. The Association has power, subject to any law of general application,

Powers of
Association

- (a) either permanently or periodically in structures, buildings, enclosures and places located in the Municipality, suitable for exhibition purposes and for the promotion of industries, arts and sciences generally,
 - (i) to exhibit every and any variety of thing and being found in animal and vegetable life and every kind and variety of mineral,
 - (ii) to exhibit products, wares, goods, merchandise, machinery, mechanical inventions and improvements of every nature, name and such as are generally exhibited at fairs, including the various processes of manufacture,
 - (iii) to exhibit paintings and statuary of any and every nature and kind,
 - (iv) to exhibit and develop the points and qualities of the several breeds of horses, live stock and other animals by such competitive tests as may be humane and proper and as may be considered expedient, and
 - (v) to make such other exhibitions as will be in conformity with the purposes and objects of the Act;
- (b) to provide entertainment or amusement to persons visiting its exhibition by means of music, shows or other attractions and to enter into contracts for such purposes and to allot space for such shows or attractions and to dispose of any contracts for such music, shows or attractions which may not be completed at the close of any exhibition;
- (c) for the purpose only of carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own and acquire, by lease, purchase, gift or otherwise, property real and personal, at such prices and on such terms and conditions as may be agreed upon, and to improve and use the same by the construction of such buildings, houses, works and improvements as are necessary and as may be considered proper and to sell, mortgage, lease, licence or otherwise dispose of any property at any time held by the Association;

- (d) to cultivate such portions of the grounds of the Association as the Association may consider proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature;
- (e) to manufacture and raise articles and things required in the various exhibitions held by the Association;
- (f) to charge such admission fees as may be considered proper to receive for exhibiting everything authorized by this Act;
- (g) to charge such entrance fees, and to award, give and pay to exhibitors such prizes, medals and honorary distinctions as the Association may consider proper;
- (h) to let, lease, or license stalls, stands, rooms and places in any of the buildings or structures of the Association, or in any part of the grounds or property of the Association, upon such terms and conditions and for such purposes as the Board may consider to be in the best interests of the Association;
- (i) to enter into agreements for the management or operation, or both, of the annual exhibition;
- (j) to borrow money from time to time;
- (k) to invest in securities in which municipalities in Ontario may invest; and
- (l) to do such other matters and things as will be in conformity with the objects and purposes of the Association.

5.—(1) The membership of the Association shall be Membership divided into four sections as follows:

1. The Municipal Section, not to exceed forty-four members.
2. The Manufacturers and Industry Section, not to exceed forty-four members.
3. The Agriculture Section, not to exceed forty-four members.
4. The General and Liberal Arts Section, not to exceed forty-four members.

Municipal
Section

(2) The Municipal Section shall consist of,

- (a) the Chairman of the council of the Municipality, sixteen members of the council of the Municipality who shall be appointed by the said council each year, the Mayor of the City of Toronto, the Commissioner of Parks and Property of the Municipality, the Chief of Police of the Municipality, and fifteen members appointed by the council of the Municipality from the community at large but who are not members of the council of the Municipality; and
- (b) one representative from each of,
 - (i) the Metropolitan Toronto Convention and Visitors Association,
 - (ii) the Metropolitan Separate School Board,
 - (iii) The Metropolitan Toronto School Board,
 - (iv) the Parking Authority of Toronto,
 - (v) the Toronto Electric Commissioners,
 - (vi) the Toronto Harbour Commissioners,
 - (vii) the Toronto Transit Commission,
 - (viii) the Metropolitan Toronto Zoo, and
 - (ix) the Board of Directors of Ontario Place Corporation,

and such representatives shall be named and appointed annually.

Manufac-
turers
and Industry
Section

(3) The Manufacturers and Industry Section shall consist of representatives from such manufacturers, industrial and labour associations and societies in such numbers for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed annually by such manufacturers, industrial and labour associations and societies.

Agriculture
Section

(4) The Agriculture Section shall consist of,

- (a) the Minister of Agriculture and the Deputy Minister of Agriculture of Canada, and the Minister of Agriculture and Food and the Deputy Minister of Agriculture and Food for Ontario; and

- (b) representatives from such agricultural associations and societies in such numbers for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed annually by such associations and societies.
- (5) The General and Liberal Arts Section shall consist of representatives from such liberal arts and other associations and societies in such numbers for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed annually by such liberal arts and other associations and societies.

General and Liberal Arts Section
- (6) The Governor in Council may name and appoint annually two ministers of the Crown in right of Canada to each of the Manufacturers and Industry Section and to the General and Liberal Arts Section and the Lieutenant Governor in Council may name and appoint annually two ministers of the Crown in right of Ontario to each of those Sections and the deputy of each minister so appointed shall be a member of the Association in the place of his or her minister during the absence or illness of the minister or during such periods as the minister may from time to time designate in writing.

Appointment of Ministers
- (7) Each person named and appointed as a member of the Association under subsections (3), (4) and (5) shall continue to be a member until a successor is appointed so long as such representative is a member and actively engaged in the objects of the body he or she represents.

Term of office
- (8) All past presidents of the Association shall be *ex officio* members of the Association for life.

Past presidents
- (9) Where a vacancy occurs in the representation of any government, association, society or other body, a representative may be named and appointed forthwith to act until a successor is named and appointed and notice in writing from the government, association, society or other body to the Association will constitute the representative so named and appointed a member of the Association.

Vacancies
- (10) The power of any association, society or other body to appoint members of the Association may be cancelled by the Board, and, where the power to appoint is cancelled, the membership of members appointed by the association, society or other body ceases.

Cancellation of power to appoint

- (a) the Chairman of the council of the Municipality, the Mayor of the City of Toronto, and the member of the Board of Ontario Place Corporation, appointed under subclause 5 (2) (b) (ix);
- (b) the honorary president of the Association;
- (c) five members of the Municipal Section appointed annually by the council of the Municipality;
- (d) seven representatives from the Manufacturers and Industry Section, seven from the Agriculture Section and seven from the General and Liberal Arts Section, elected by ballot by a majority of the votes of the members present in person and voting at the annual meeting; and
- (e) up to three past presidents of the Association, as may be determined by the Board, to be elected annually by the Board.

Election of
president,
etc.

(2) The Board shall each year after the annual meeting elect from among the directors a president and four vice-presidents and shall elect, as honorary president to hold office during the year, a person who has held the office of president, and in the event of there being no past president, or of such person refusing to act, then any of the directors may be elected as honorary president but,

- (a) directors who are members of the council of the Municipality shall not be eligible for election as president; and
- (b) a past president elected to the Board under clause (1) (e) shall not be eligible to hold office as the president, vice-president or honorary president of the Association.

Vacancies

(3) If a vacancy occurs at any time by death, resignation or otherwise among the elected directors, the remaining directors shall fill the vacancy by the appointment of a member of the Association from the Section from which the vacancy occurred for the remainder of the year.

Idem

(4) If a vacancy occurs among the directors appointed by the council of the Municipality, such vacancy may be filled by the council appointing one or more of its members or some other member of the Municipal Section, as the case may require.

(5) If a vacancy occurs at any time by death, resignation or otherwise in the office of president, vice-presidents or honorary president, the Board may elect from among the directors a person to fill the vacancy for the remainder of the term for which the person so vacating was elected. Idem

(6) The president, vice-presidents and honorary president and the elected and appointed members of the Board shall hold office until their successors are elected or appointed, as the case may be, so long as they continue as members of the Association. Term of office

(7) Every elected director is required to attend in person meetings of the Board unless excused by resolution thereof and the place of an elected director shall be deemed vacant if the director fails to attend three consecutive meetings of the Board without being excused. Failure to attend meetings

7. The Board has power,

Powers of Board

(a) to make by-laws, rules and regulations not inconsistent with this Act for,

- (i) the management of the Association,
- (ii) the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing, licensing, mortgaging or otherwise disposing of the same, as occasion may require,
- (iii) the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business and operations of the Association, and the sale or other disposal thereof, when no longer required for such purposes,
- (iv) the entering into of such arrangements, agreements and contracts with any person or corporation, society or association, as may become necessary to carry out the objects of the Association,
- (v) the naming of organizations and societies from time to time in each Section who may appoint representatives to the membership and specifying the number of such representatives,

- (vi) the fee, if any, to be paid by the members,
 - (vii) the holding of annual or periodical exhibitions,
 - (viii) fixing the time for the annual meeting and the calling of general, special and other meetings of the Association,
 - (ix) the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Association,
 - (x) the admission fees to be received from persons visiting the exhibition held by the Association,
 - (xi) the entrance fees to be charged to exhibitors, and
 - (xii) the general management of all exhibitions;
- (b) in general, to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers of the Association; and
- (c) to appoint annually such number of honorary and associate directors as it may consider advisable, and such honorary and associate directors shall have such powers and perform such duties as may be assigned to them from time to time by the Board, but shall not have the right to vote at meetings of the Board.

Conflict of
interest
1982, c. 4

8. Section 132 of the *Business Corporations Act, 1982* applies with necessary modifications to the directors and a reference to shareholders in that section shall be deemed to be a reference to members.

Agreements

9.—(1) The societies, associations and other bodies represented in the membership of the Association and other bodies not so represented are hereby authorized and empowered to enter into any arrangement or agreement with the Board for the holding of exhibitions and for taking part in the exhibitions held by the Association, and otherwise for promoting the objects of the Association, and may aid the same with grants of moneys.

Idem

(2) The Board of Governors of Exhibition Place, the Municipality or any municipality and the Association are hereby authorized to make and enter into agreements relating to the holding of any exhibition or event and the granting and accept-

ing of aid for the same, and for the furnishing and providing of exhibition grounds and buildings suitable for the purpose of the Association, and the council of the Municipality or the council of every such municipality may pass by-laws for any such purpose or for the promotion of any of the purposes of the Association.

10. The by-laws, rules, orders and regulations of the Association in force immediately prior to the day this Act comes into force shall be and continue to be the by-laws, rules, orders and regulations of the Association until altered or repealed. By-laws, etc., continued

11. Notwithstanding any other provision of this Act, the directors of the Association immediately prior to the coming into force of this Act shall continue in office until the annual meeting of the Association in 1984. Transition

12. *The Canadian National Exhibition Association Act, 1970*, being chapter 141, is repealed. Repeal

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. The short title of this Act is the *Canadian National Exhibition Association Act, 1983*. Short title

CHAPTER Pr24

An Act respecting Family Day Care Services

Assented to November 9th, 1983

Whereas Family Day Care Services, herein called the Corporation, hereby represents that it was incorporated under the name Protestant Children's Homes by *The Protestant Children's Homes Act, 1926*; that the name of the Corporation was changed to its present name by *The Protestant Children's Homes Act, 1971*; that the object of the Corporation at the present time is to assist children and their parents through the provision of day care and such other services as may contribute to the welfare of children; that the Corporation wishes to change its object; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

1926, c. 119

1971, c. 123

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Protestant Children's Homes Act, 1926*, being chapter 119, as re-enacted by the Statutes of Ontario, 1971, chapter 123, section 2, is repealed and the following substituted therefor:

1926, c. 119,
s. 5,
re-enacted

5. The object of the Corporation is to assist children and adults through the provision of such services and assistance as may contribute to their well-being including, without limitation, day care and counselling.

Object

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Family Day Care Services Act, 1983*.

Short title

CHAPTER Pr25

**An Act respecting the
Institute for Christian Studies**

Assented to November 9th, 1983

Whereas The Association for the Advancement of Christian Scholarship hereby represents that it was incorporated by letters patent on the 27th day of November, 1961, as The Association for Reformed Scientific Studies; that its name was changed to The Association for the Advancement of Christian Scholarship by supplementary letters patent dated the 31st day of October, 1968; that its objects, as stated in its letters patent, are “to undertake or promote scripturally directed learning and scholarly enterprise and, in particular, to establish, control and develop a Christian university”; that since 1967, it has conducted and maintained an institute of learning at the university level; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration and for the power to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “academic unit” means a faculty, school, institute, department or other academic division of the Institute;
- (b) “Association” means The Association for the Advancement of Christian Scholarship;
- (c) “Board” means the Board of Trustees of the Institute;
- (d) “faculty” means all persons employed by the Institute for Christian Studies on a full-time basis for teaching and research who hold academic status;

(e) “Institute” means the Institute for Christian Studies;

(f) “student” means a person who is registered as such on a full-time basis in a program or course of study that leads to a degree, diploma or certificate of the Institute.

Application
of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Institute except to the extent that it is inconsistent with this Act.

Institute
incorporated

2.—(1) The members of the Association immediately before the coming into force of this Act, including all members of the Board of Trustees named in the Schedule hereto, and any others who become members of the Institute, are hereby created a body corporate with perpetual succession and a common seal under the name of “Institute for Christian Studies”.

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Association are hereby continued and vested in the Institute and the liabilities of the Association together with the benefits and burdens of all contracts and covenants of the Association are hereby continued in and assumed by the Institute.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, regulations, resolutions and appointments of the Association shall continue as by-laws, regulations, resolutions and appointments of the Institute until amended, repealed or revoked.

Association
dissolved

(4) The Association is dissolved on the day this Act comes into force.

Objects and
purposes

3. The objects and purposes of the Institute are,

(a) to operate and maintain an institution for post-secondary education and research in all areas of learning based on the Scriptures of the Old and New Testaments and consistent with the Basis and Educational Creed of the Institute;

(b) to advance scholarship in all areas of learning so as to exhibit the coherence of all reality in Christ and in this way to equip people to direct their lives by the Gospel; and

(c) to sponsor at other institutions lectureships, courses, teaching programs and research projects.

Board of
Trustees

4.—(1) The affairs of the Institute shall be managed by a Board of Trustees each of whom, at the time of his or her

election and throughout his or her term of office must be and remain a member of the Institute.

(2) Until the Board is reconstituted in accordance with subsection (3), the members of the Board shall be the persons named in the Schedule hereto.

First Board

(3) Within twelve months after the coming into force of this Act, the Board shall be reconstituted to consist of not fewer than twelve and not more than twenty-one members as may be determined by the first Board.

Composition of Board

(4) Subject to subsection (5), members of the Board shall hold office for a period of three years and shall not be eligible to serve for more than two consecutive terms, but on the expiration of one year after having served for two consecutive terms, a person shall again be eligible for membership on the Board.

Term of office

(5) The Board, by by-law, shall provide for the election and retirement in rotation of the members of the Board so that as nearly as possible one-third of the terms of the total membership shall expire each year.

Staggered terms

(6) The Board may by by-law increase or decrease the size of the Board but the Board shall not consist of fewer than twelve or more than twenty-one members.

Change in size of Board

(7) At least two-thirds of the members of the Board shall be elected by mailed ballot by the members of the Institute according to geographic regions from a nomination list prepared by the Board.

Election of Board by geographic regions

(8) A person is not eligible to be elected to the Board under subsection (7) unless at the time of the election the person resides in the geographic region for which he or she has been nominated.

Qualification

(9) In an election of members under subsection (7), a member of the Institute may vote only in the election of members of the Board representing his or her region.

Eligibility to vote

(10) The Board shall by by-law establish the geographic regions and shall establish the number of members of the Board that shall represent each region.

Establishment of geographic regions

(11) The geographic regions may be inside or outside Canada but not more than two regions shall be outside Canada and,

Idem

- (a) where there is one region outside Canada, it may be represented by up to two members of the Board, as the Board may determine; and
- (b) where there are two regions outside Canada, they shall each be represented by one member of the Board,

and a member representing a region outside Canada need not be a Canadian citizen.

Members
at large

(12) In addition to the members of the Board elected according to geographic regions, the Board may by by-law provide for the election at large of up to one-third of the members of the Board and such election shall be by mailed ballot by the members of the Institute without regard to geographic regions from a nomination list prepared by the Board.

Canadian
citizenship

(13) Subject to subsection (11), no person shall be elected or appointed as a member of the Board unless he or she is a Canadian citizen.

Vacancies

(14) If a vacancy occurs on the Board before the expiry of a term of office for which a member was elected, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, where it decides to fill the vacancy, it shall appoint a person who would be eligible for election to the office of the member whose office is vacant and the person shall serve for the remainder of the term of the member whose office is vacant.

Calculation
of term

(15) Service on the first Board under subsection (2) or for the remainder of an unexpired term under subsection (14) shall not be included in the calculation of the two consecutive terms referred to in subsection (4).

President
may attend
Board
meetings

(16) The president shall not be a member of the Board but shall have the right to attend all meetings of the Board except for such part of any Board meeting where the Board, in its opinion, will discuss a matter in which the president may have a conflict of interest in which case the Board may require the president to withdraw.

Powers of
Board

5. Except in such matters as are assigned by this Act to the Senate or to the members of the Institute, the government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Institute including, without limiting the generality of the foregoing, the power,

- (a) to determine general non-academic policy for the Institute;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations of the Senate and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the Institute and the members of the administrative staff;
- (d) to appoint, promote, grant tenure and leave to and suspend and remove the members of the faculty and academic officers, after consideration of the recommendation of the Senate;
- (e) to establish, change and terminate academic units within the Institute and determine the powers and duties of any such unit;
- (f) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (g) to establish and amend, by by-law, the statement of Basis and Educational Creed of the Institute, subject to the approval by a two-thirds majority of the members of the Institute present at an annual general meeting of the Institute;
- (h) to federate or affiliate the Institute with any other institution of higher learning and make agreements with any institution of higher learning to become part of or become federated or affiliated with the Institute;
- (i) to sponsor at other institutions lectureships, courses, teaching programs and research projects, upon the recommendation of the Senate;
- (j) to establish and collect fees and charges for tuition and for services of any kind offered by the Institute and collect fees and charges on behalf of any entity, organization or element of the Institute;

- (k) to borrow money for the purposes of the Institute and to give security therefor on such terms and in such amounts as it may deem advisable;
- (l) to invest all money that comes into the Institute that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the Institute and to invest and reinvest any principal in such manner as may from time to time be determined;
- (o) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the Institute;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,and to affix the corporate seal of the Institute thereto;
- (q) to establish conditions for membership in the Institute, but no such condition shall take effect until it is

approved at a meeting of the members of the Institute; and

- (r) to enact by-laws for the conduct of the Board's affairs.

6.—(1) There shall be a Senate of the Institute composed of, Senate

- (a) the president of the Institute who shall be an *ex officio* member;
- (b) one academic officer appointed by the Board;
- (c) two members of the faculty to be elected by the faculty;
- (d) eight members of the Institute appointed by the Board, all of whom must hold an academic or professional degree beyond the baccalaureate and who in the opinion of the Board are qualified to make judgments in academic affairs in keeping with the Basis and Educational Creed of the Institute; and
- (e) two students to be elected by the student body.

(2) The Senate shall have the following powers and duties: Powers and
duties

1. To decide academic policy and supervise its implementation.
2. To recommend to the Board the establishment and termination of programs and courses of study including programs and courses of study leading to a degree granted by another post-secondary institution, including the degree of Doctor of Philosophy, if the other institution is authorized under the laws of Ontario to grant the degree.
3. To determine the curricula of all programs and courses of study, standards of admission to the Institute and continued registration therein and standards of examinations.
4. To identify positions on the academic staff which are to be filled or refilled and to recommend to the Board a person to fill each position.

- 5. To recommend to the Board reappointments, tenure appointments, promotions and dismissals of academic staff.
- 6. To grant diplomas and certificates and the degree of Master of Philosophical Foundations.
- 7. To recommend to the Board the sponsorship at other institutions of lectureships, courses, teaching programs and research projects.
- 8. To do all things necessary for carrying out the powers and duties set out in paragraphs 1 to 7.

Officers

(3) The Senate shall elect from among its membership a chairman, vice-chairman and secretary to serve terms of one year each or until their successors have been elected.

Term of office, etc.

(4) The term of office of the members of the Senate and the manner of their election or appointment shall be determined by the Board.

Members

7.—(1) Membership in the Institute consists of the members of the first Board of Trustees, named in the Schedule hereto, all members of the Association immediately before the coming into force of this Act and such other persons who are in full accord with and subscribe to the Basis and Educational Creed of the Association as set out in the by-laws and who pay annual membership dues in an amount to be established from time to time by the Board and who meet such other conditions as may be set out in the by-laws from time to time.

Idem

(2) The members of the Institute shall meet annually and at such meetings shall have the power,

- R.S.O. 1980,
c. 405
- (a) to approve the audited annual financial statements of the preceding year and the annual budget for the ensuing year;
 - (b) to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Institute;
 - (c) to approve reports presented to it by the Board; and
 - (d) to transact all business included in the agenda.

Special meetings

(3) The Board may call special or general meetings of the members of the Institute at any time.

(4) Unless the by-laws of the Institute specify a greater number, twenty-five members of the Institute shall constitute a quorum for the transaction of business at any special or general meeting of the Institute. Quorum

(5) Unless specifically otherwise provided herein, questions arising at any meeting of the members of the Institute shall be decided by a majority of the votes. Voting

(6) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members. Idem

(7) In case of an equality of votes, the chairman, in addition to his original vote, shall have a second and deciding vote. Idem

(8) Notice of the time and place of every special or general meeting shall be given to each member of the Institute at least ten days before the time fixed for holding of such meeting, in a manner to be determined by the Board. Notice

8.—(1) The Board shall elect from among its membership, at its first meeting following the annual general meeting of members of the Institute, a chairman, a vice-chairman, a secretary and a treasurer, who shall hold office for a term of one year each or until their successors have been elected. Officers

(2) The chairman, vice-chairman and secretary of the Board shall occupy the same offices in respect of the meetings of the members of the Institute. Idem

(3) In the case of the absence or illness of the chairman or there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman. Idem

(4) In the case of the absence or illness of the chairman and vice-chairman or there being vacancies in those offices, the Board may appoint one of its members to act as chairman for the time being and the member so appointed shall act and have all the powers of the chairman. Idem

9.—(1) Subject to subsections (2) and (3), the meetings of the Board, the Senate and the members of the Institute shall be open to the public and prior notice of the meeting shall be given to the members of the Board, the Senate and the members of the Institute, as the case may be, and to the public in such manner as the Board, the Senate and the members of the Institute shall respectively determine and no persons shall be excluded from a meeting except for improper conduct as Open meetings

determined by the Board or the Senate or the members of the Institute, as the case may be.

Exception

(2) Notwithstanding subsection (1), where a matter is confidential to the Institute, the part of the meeting of the Board or Senate, as the case may be, concerning such a matter may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual is to be considered at a meeting of the Board or Senate, the part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board or Senate, as the case may be, agree that that part of the meeting be open to the public.

By-laws

(4) The by-laws of the Institute and of the Senate shall be open to examination by the public during the normal office hours of the Institute.

Idem

(5) The Institute and the Senate shall publish their by-laws, from time to time, in such manner as they may respectively consider proper.

Property

10. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Association or the Institute or any of their units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Institute.

References
to
Association

11. For the purposes of construing any instrument, unless the contrary intention appears, a reference to the Association or any of its divisions or departments shall be construed to refer to the Institute.

Non-profit
corporation

12. The Institute shall be carried on without the purpose of gain for the members of the Board or the members of the Institute and any profits or other accretions to the Institute shall be used in promoting its objects and purposes.

Application
of property

13. The property of the Institute shall be applied solely for the objects and purposes of the Institute.

Dissolution

14. Upon dissolution of the Institute and after the payment of all debts and liabilities, the remaining property of the Institute shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the Institute.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

16. The short title of this Act is the *Institute for Christian Studies Act, 1983*. Short title

SCHEDULE

First Trustees

Mr. John de Groot, Sr.

Mr. Ary de Jong

Mr. Jan de Koning

Dr. Harry Groenewold

The Rev. James Joosse

Mrs. Heather Marsman

The Rev. Graham E. Morbey

The Rev. Derk Pierik

Dr. Edward Piers

Mr. Wietse G. Posthumus

Dr. Hendrikus W. H. Van Andel

Dr. John C. Vander Stelt

Mr. Ben Vandezande

Dr. John W. Van Dyk

Ms. Elizabeth E. Westrik

Mr. Bert Witvoet

CHAPTER Pr26

An Act respecting the
Brockville Young Men’s Christian Association—
Young Women’s Christian Association

Assented to November 9th, 1983

Whereas the Brockville Young Men’s Christian Association—
Young Women’s Christian Association, herein called the Cor-
poration, hereby represents that it was incorporated by letters
patent dated the 14th day of November, 1963; that the object of
the Corporation is the improving of the spiritual, moral, social,
educational and physical life of its members and others; that
the Corporation is a registered charitable organization within
the meaning of the *Income Tax Act* (Canada); that it is desir-
able that provision be made for exempting the real property of
the Corporation situate in the City of Brockville, in the County
of Leeds, more particularly described in the Schedule hereto
from taxation for municipal and school purposes, other than
local improvement rates; and whereas the applicant hereby
applies for special legislation for such purposes; and whereas it
is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of The Corporation of the City of
Brockville may pass by-laws exempting from taxes for municip-
al and school purposes, other than local improvement rates,
the land, as defined in the *Assessment Act*, occupied by the
Corporation, being the lands and premises described in the
Schedule, so long as the land is owned, occupied and used
solely for the purposes of the Corporation.

Tax
exemption

R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be sub-
ject to such conditions as may be set out in the by-law.

Conditions

2. A by-law passed under section 1 may be retroactive to
the 1st day of January, 1983.

Retroactive
by-law

3. This Act comes into force on the day it receives Royal
Assent.

Commence-
ment

Short title

4. The short title of this Act is the *Brockville Young Men's Christian Association—Young Women's Christian Association Act, 1983*.

Schedule

That parcel of land and premises situate in the City of Brockville, in the County of Leeds, being composed of part of Lots 15, 16 and 17 according to a Plan registered in the Land Registry Office for the Registry Division of Leeds (No. 28) as Number 24, more particularly described as follows:

COMMENCING at the south western angle of the said Lot 15;

THENCE northerly along the eastern limit of Park Street a distance of 396.11 feet to the northwestern angle of the said Lot 16;

THENCE easterly along the southern limit of Maple Avenue a distance of 128.65 feet;

THENCE southerly parallel to the eastern limit of the said Lot 17 a distance of 100 feet;

THENCE easterly parallel to the southern limit of Maple Avenue a distance of 160 feet;

THENCE southerly parallel to the eastern limit of the said Lot 17 a distance of 70 feet;

THENCE easterly parallel to the southern limit of Maple Avenue a distance of 80 feet to the eastern limit of the said Lot 17;

THENCE southerly along the last mentioned limit and its production a distance of 228.45 feet to the southern limit of the said Lot 15;

THENCE westerly along the said southern limit of the said Lot 15 a distance of 368.73 feet, more or less, to the point of commencement.

CHAPTER Pr27

An Act respecting the City of Toronto

Assented to November 9th, 1983

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation is authorized to pay to former member of council, Susan Fish, the amount of \$4,243.43 and to former member of council, Allan Sparrow, the amount of \$6,842.25, being the legal expenses incurred by them as a result of an action for libel and slander brought by Arnold Linetsky arising out of acts done by Susan Fish and Allan Sparrow prior to the 15th day of December, 1978, while Susan Fish and Allan Sparrow were acting in their capacity as members of council, which action was dismissed with costs.

Reimburse-
ment of
legal fees

(2) No payment shall be made under subsection (1) unless the person to be paid assigns to the Corporation his or her writ of execution for the party and party costs in the action referred to in that subsection.

Condition

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *City of Toronto Act, 1983*.

Short title

CHAPTER Pr28

An Act respecting
New Horizons Day Centre Incorporated

Assented to November 9th, 1983

Whereas New Horizons Day Centre Incorporated, herein called the Centre, hereby represents that it was incorporated under the laws of Ontario by letters patent, dated the 26th day of June, 1975; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre, on the 4th day of January, 1983, acquired a freehold interest in lands located in the City of North York and known municipally as 3565-3567 Bathurst Street; that the lands are used to provide cultural and educational facilities and to promote the physical and mental well-being of elderly persons; and whereas the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of North York may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Centre, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Centre.

Tax
exemption

R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

Retroactivity

3. A by-law passed under section 1 may be retroactive to the 4th day of January, 1983.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *New Horizons Day Centre Incorporated Act, 1983*.

Schedule

That parcel of land and premises situate in the City of North York, in The Municipality of Metropolitan Toronto, being composed of Unit 5, Level 1, shown on York Condominium Plan No. 418, registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), and its appurtenant common interest, being the whole of the said parcel.

CHAPTER Pr29

**An Act to continue The Corporation of
the Union of Townships of Eilber and
Devitt under the name of The Corporation
of the Township of Mattice-Val Côté**

Assented to November 9th, 1983

Whereas The Corporation of the Union of Townships of Eilber and Devitt hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Union of Townships of Eilber and Devitt is hereby continued under the name of The Corporation of the Township of Mattice-Val Côté.

Name
changed

2. Any reference to The Corporation of the Union of Townships of Eilber and Devitt or the United Townships of Eilber and Devitt in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the Township of Mattice-Val Côté and to the Township of Mattice-Val Côté, respectively.

References
to former
name

3. This Act comes into force on the 1st day of January, 1984.

Commence-
ment

4. The short title of this Act is the *Township of Mattice-Val Côté Act, 1983*.

Short title

CHAPTER Pr30

An Act respecting the City of Toronto

Assented to December 2nd, 1983

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where under any special Act respecting the Corporation a by-law may be passed imposing a fine or penalty with a maximum amount that is less than the maximum amount that may be imposed under Part XIX of the *Municipal Act*, sections 321 to 329 of the *Municipal Act* apply with necessary modifications to the by-law notwithstanding the special Act.

Penalties and enforcement of by-laws passed under special Acts
R.S.O. 1980, c. 302

2. Notwithstanding any general or special Act,

- (a) a committee appointed under subsection 5 (1) of the *Community Recreation Centres Act*; or
- (b) a board of management appointed under clause (e) of paragraph 57 of section 208 of the *Municipal Act*,

Members of certain committees and boards
R.S.O. 1980, c. 80

may include any person who is a resident of the City of Toronto and who has attained the age of eighteen years, notwithstanding that such person is not qualified to be elected as a member of the council.

3. The council of the Corporation is authorized to cancel the charge imposed by By-law No. 341-67, as amended, in connection with 1454 Bloor Street West, in the City of Toronto, notwithstanding that the charge has been confirmed by the court of revision.

Cancellation of charge re 1454 Bloor Street West

4. Subsection 1 (4a) of *The City of Toronto Act, 1961-62*, being chapter 171, as enacted by the Statutes of Ontario, 1968, chapter 176, section 3, is repealed and the following substituted therefor:

1961-62, c. 171, s. 1 (4a), re-enacted

Collection of
charges

(4a) A charge imposed by a by-law passed under this section may be collected when the building has been erected.

1952, c. 139,
s. 3 (2),
re-enacted

5. Subsection 3 (2) of *The City of Toronto Act, 1952*, being chapter 139, as amended by the Statutes of Ontario, 1962-63, chapter 189, section 1, is repealed and the following substituted therefor:

Incorporation and
members

(2) The parking authority shall be a public commission and a body politic and corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of council and shall be appointed by the council, and the members so appointed shall hold office for three years and until their successors are appointed.

1956, c. 125,
s. 2, repealed

6.—(1) Section 2 of *The City of Toronto Act, 1956*, being chapter 125, is repealed.

Schedule,
repealed

(2) The Schedule to the said Act is repealed.

1960-61,
c. 137, s. 4,
amended

7. Section 4 of *The City of Toronto Act, 1960-61*, being chapter 137, as amended by the Statutes of Ontario, 1964, chapter 145, section 1, 1965, chapter 171, section 1 and 1966, chapter 187, section 6, is further amended by adding thereto the following subsections:

Levy of cost
against areas
deriving
special
benefit

(18) Where the Corporation has acquired, established, laid out or improved land, buildings or structures where vehicles may be parked, or has erected buildings or structures for the parking of vehicles, the council may by by-law provide, with the approval of the Ontario Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in one or more defined areas in the municipality which, in the opinion of the council, derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area or areas, and thereafter the provisions of this section, except subsections (13), (14), (15), (16) and (17), shall apply with necessary modifications.

Reduction of
levy

(19) Where the council is of the opinion that any charge levied in a by-law passed in accordance with this section should be varied to reflect a lower capital cost than that which was estimated at the time of the passing of the by-law, the council may, with the approval of the Ontario Municipal Board, pass a further by-law to reduce the charge and the provisions of subsections (3), (4), (5) and (8) shall apply with necessary modifications to any by-law passed under this subsection.

(20) Notwithstanding the *Assessment Act*, where reference is made in this Act to the court of revision constituted for the City of Toronto and to the court of revision such reference shall be deemed to be to the court of revision constituted under the *Local Improvement Act*.

Interpre-
tation
R.S.O. 1980,
cc. 31, 250

8. Section 2 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 162, section 1, is repealed and the following substituted therefor:

1971, c. 130,
s. 2,
re-enacted

2.—(1) In this section, “ravine” means any land within any defined area or areas of the municipality designated as ravine by the official plan of the Corporation, as amended from time to time after the 23rd day of July, 1971.

Interpre-
tation

(2) Subject to the *Weed Control Act*, the council of the Corporation may pass by-laws,

By-laws
respecting
ravines
R.S.O. 1980,
c. 530

- (a) regulating the destruction of trees or other natural vegetation, or any class or classes thereof, on any ravine and prohibiting the destruction of trees or other natural vegetation on any ravine without the consent of the Corporation;
- (b) regulating the excavating, grading or other altering in elevation or contour of any ravine and prohibiting the excavating, grading or other altering in elevation or contour of any ravine without the consent of the Corporation; and
- (c) regulating the disposal of storm, surface and waste water from any ravine and from any buildings or structures thereon and prohibiting the provision of facilities for and methods of disposal of storm, surface and waste water from any ravine and from any buildings or structures thereon without the consent of the Corporation.

(3) A by-law passed under subsection (2) does not apply so as to require the consent of the Corporation to the destruction of any tree or other natural vegetation and to the excavating, grading or other altering of any elevation or contour where such destruction, excavation, grading or alteration is necessary in connection with,

Exceptions

- (a) the maintenance of existing sodded areas and developed garden areas, pruning of trees, and the replacement of features such as retaining walls, steps or pathways;

- (b) the normal repair and restoration of any existing building or structure as necessitated by the deterioration of the building or structure;
- (c) the replacement of any existing building or structure damaged or destroyed by fire or other accidental cause, if the replacement building or structure does not have any greater floor area or height and occupies the same location as the building or structure it replaces;
- (d) emergency measures, certified as such by the Commissioner of Parks and Recreation of the Corporation, to prevent erosion, slipping of soil or damage to trees;
- (e) the removal of diseased, dead or hazardous trees, certified as such by the Commissioner of Parks and Recreation of the Corporation;
- (f) the maintenance activities by the Corporation or any department or agency thereof and by The Municipality of Metropolitan Toronto or any department or agency thereof comprising the maintenance of utilities and services, roads and bridges, walkways, bicycle paths, fences, retaining walls, steps and lighting; or
- (g) the erection of any building or structure for which a building permit was issued before the 21st day of May, 1981 in respect of the land on which the building or structure is to be erected.

Appeal to
O.M.B.

(4) Where the consent of the Corporation under this section is refused or the Corporation neglects to make a decision thereon within forty-five days after the receipt by the clerk of the application, the owner or the owner's agent duly authorized in writing may appeal to the Ontario Municipal Board within 180 days from the refusal to give the consent or within 180 days after the expiration of the forty-five days hereinbefore referred to, as the case may be, and the Board shall hear the appeal and either dismiss the same or direct the Corporation to give the consent and the decision of the Board shall be final.

Idem

(5) The person appealing to the Ontario Municipal Board under subsection (4) shall in such manner and to such persons as the Board shall direct give notice of the appeal to the Board.

Conditions to
consent

(6) As a condition to the consent referred to in subsection (2), the Corporation may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the Corporation any or all of the following:

1. Walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands.
2. Grading or alteration in elevation or contour of the land and the provision of facilities for and methods of disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the Corporation and at the sole risk and expense of the owner any or all of the facilities, works or matters mentioned in paragraphs 1 and 2 of clause (a); and

(c) enter into one or more agreements with the Corporation dealing with any or all of the facilities, works or matters mentioned in clause (a).

(7) Any agreement entered into under clause (6) (c) may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of
agreements

R.S.O. 1980,
cc. 445, 230

(8) Section 325 of the *Municipal Act* applies to any requirements made under clauses (6) (a) and (b) and to any requirements made under an agreement entered into under clause (6) (c).

Application
of R.S.O.
1980, c. 302

(9) Where the owner of the land or the owner's agent duly authorized in writing is not satisfied with any of the requirements made by the Corporation under subsection (6) or with any part thereof, including the terms of any agreement required, the owner of the land or the owner's agent duly authorized in writing may within forty-five days after the Corporation has given its consent require the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk of the Corporation, and the Board shall then hear and determine the matter in issue and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Appeal to
O.M.B.

1975, c. 116,
s. 7 (2) (a),
re-enacted

9.—(1) Clause 7 (2) (a) of *The City of Toronto Act, 1975*, being chapter 116, is repealed and the following substituted therefor:

Designating
rooming
house

- (a) designating as a rooming house any class or classes of dwelling, the whole or any portion of which is used or is intended to be used in return for remuneration for the purposes of human habitation.

1975, c. 116,
s. 7 (2) (c),
re-enacted

(2) Clause 7 (2) (c) of the said Act is repealed and the following substituted therefor:

Prohibiting

- (c) for prohibiting any person from using, permitting to be used, renting or offering to rent any rooming house in violation of such by-law or in contravention of any other by-law of the Corporation or where a conviction has been registered under the *Building Code Act*, the *Fire Marshals Act* or the *Health Protection and Promotion Act, 1983* or any regulation made under those Acts.

R.S.O. 1980,
cc. 51, 166;
1983,c.10

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *City of Toronto Act, 1983 (No. 2)*.

CHAPTER Pr31

**An Act to revive
Silverstone Oil Company Limited**

Assented to December 2nd, 1983

Whereas Richard Beaver of the City of Grand Rapids, in the State of Michigan in the United States of America, as successor personal representative of the estate of Milo D. Rathbun, deceased, hereby represents that Silverstone Oil Company Limited, herein called the Corporation, was incorporated by letters patent dated the 6th day of November, 1956; that the Provincial Secretary and Minister of Citizenship by order dated the 5th day of November, 1962 and made under the authority of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 10th day of December, 1962; that the said Milo D. Rathbun was a director and a shareholder in good standing of the Corporation at the time of its dissolution; and that the applicant, Richard Beaver, is the successor personal representative of the estate of the said Milo D. Rathbun; that at the time of dissolution the Corporation owned assets which it still intends to retain; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Silverstone Oil Company Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

3.

The short title of this Act is the *Silverstone Oil Company Limited Act, 1983.*

CHAPTER Pr32

**An Act respecting the
Institute of Management Consultants
of Ontario**

Assented to December 2nd, 1983

Whereas the Institute of Management Consultants of Ontario, Preamble
herein called the Institute, hereby represents that it was incor-
porated by letters patent dated the 10th day of August, 1966;
and whereas the Institute considers it desirable to grant to its
members the right to use the designation “Certified Manage-
ment Consultant”; and whereas the applicant hereby applies
for special legislation for such purpose; and whereas it is expe-
dient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) In addition to its powers under its letters patent, Additional
powers
the Institute may pass by-laws,

- (a) prescribing the qualifications for and conditions of
registration for applicants for membership in the
Institute;
- (b) prescribing a curriculum and courses of study to be
pursued by applicants for membership and the sub-
jects upon which such applicants shall be examined
and for granting certificates of membership to appli-
cants who have successfully passed the examinations;
and
- (c) regulating and governing the conduct of members of
the Institute in the practice of their business or pro-
fession by prescribing a code of ethics, rules of pro-
fessional conduct and standards of practice and by
providing for the suspension, expulsion or other pen-
alty for professional misconduct, incapacity or
incompetence.

- Registrar (2) The Institute shall appoint a registrar who shall perform the functions assigned to that officer by this Act and such other duties as may be assigned to the registrar by the Institute.
- Inspection of by-laws (3) The by-laws of the Institute passed under subsection (1) shall be open to examination by the public at the head office of the Institute during normal office hours.
- Special Act corporation (4) The Institute shall not amend its letters patent of incorporation except by a special Act of the Legislative Assembly and the Institute shall be deemed to have been incorporated by a special Act.
- Membership **2.—**(1) The Institute will grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,
- (a) is of good character;
 - (b) is not less than eighteen years of age;
 - (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
 - (d) has passed such examinations as the board of directors of the Institute may set or approve in accordance with the by-laws.
- Register (2) The registrar shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered are members entitled to the privileges of membership in the Institute.
- Inspection of register (3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.
- Appeals (4) An individual who is qualified for membership in the Institute who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.
- Record (5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Institute to take any action that the Institute is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Institute or the Court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the Court considers proper.

Powers of Court

3.—(1) Every member of the Institute may use the designation “Certified Management Consultant” and may use after his or her name the initials “C.M.C.” indicating that he or she is a Certified Management Consultant.

Designation

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses the designation “Certified Management Consultant” alone or in combination with any other word, name, title or description or implies, suggests or holds out that he or she is a Certified Management Consultant is guilty of an offence.

Offence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without any proof of the person’s signature or of the person being in fact the registrar.

Evidence

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Idem

4. This Act does not affect or interfere with the right of any person who is not a member of the Institute,

Rights not affected

- (a) to practise as a management consultant in the Province of Ontario; or
- (b) to use the initials “C.M.C.” after his or her name so long as the person is not practising as a management consultant.

5. This Act comes into force on the day it receives Royal Assent.

Commencement

Short title

6. The short title of this Act is the *Institute of Management Consultants of Ontario Act, 1983*.

CHAPTER Pr33

**An Act respecting Certain Land
in the Town Plot of Smyth,
in the District of Nipissing**

Assented to December 2nd, 1983

Whereas Paul Anthony Burkett and Barbara Lynn Burkett, Preamble
herein referred to as the applicants, hereby represent that they
are the registered owners of the land described in the Schedule
hereto; that the applicants reside on the land; that the Crown,
in right of Ontario, by letters patent dated the 14th day of Sep-
tember, 1909 granted the land to The Right Reverend George
Thornloe Lord Bishop of the Diocese of Algoma; that the
habendum in the letters patent reads as follows:

To have and to hold unto the said The Right
Reverend George Thornloe Lord Bishop of
the Diocese of Algoma for Church purposes;

that the applicants have been advised that the land was used
from approximately 1909 until about 1936 for church purposes;
that after 1936 the church was demolished and the property was
vacant for several years; that by a transfer dated the 16th day of
May, 1960 and registered on the 7th day of October, 1963 the
land was transferred by The Incorporated Synod of the Diocese
of Algoma to George Whitehead; the present residence located
on the land was erected in 1963; that the applicants are the
fourth registered owners of the land since the transfer in 1963
to George Whitehead; that the land has been used for residen-
tial purposes since 1963; that the applicants wish to remove the
cloud from their title created by the habendum in the original
grant from the Crown; and whereas the applicants apply for
special legislation for such purposes; and whereas it is expedi-
ent to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The letters patent dated the 14th day of September, Letters
patent
amended
1909, granting to The Right Reverend George Thornloe Lord
Bishop of the Diocese of Algoma the land described in the

Schedule are amended by striking out the habendum as set out in the Preamble hereto.

Filing

2. Paul Anthony Burkett and Barbara Lynn Burkett shall cause a copy of this Act to be filed in the land registry office for the Land Titles Division of Timiskaming (No. 54) within sixty days of the day this Act comes into force.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Smyth Town Plot Land Act, 1983*.

SCHEDULE

All of Lot 9 on the North Side of First Street and the East Side of Spruce Street in the Town Plot of Smyth, in the Township of James, in the District of Timiskaming (formerly the District of Nipissing), being the lands registered in the land registry office for the Land Titles Division of Timiskaming (No. 54) as Parcel 5956 in the register for Nipissing North Division and now registered as Parcel 21501 in the Register for South Section Timiskaming.

CHAPTER Pr34

**An Act respecting
Eastern Pentecostal Bible College**

Assented to December 2nd, 1983

Whereas Eastern Pentecostal Bible College hereby represents that it was incorporated under the laws of Ontario on the 14th day of August, 1944 under the name of “Ontario Pentecostal Bible School”; that its name was changed to Eastern Pentecostal Bible College on the 14th day of April, 1948; that since 1944, it has been a post secondary educational institution; that it is a member in good standing of the Association of Canadian Bible Colleges; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, including the power to grant degrees in the field of religious study; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Charter Corporation” means Eastern Pentecostal Bible College as it existed immediately prior to the coming into force of this Act;
- (b) “College” means the Eastern Pentecostal Bible College incorporated under subsection 2 (1);
- (c) “faculty” means the members of the teaching staff of the College;
- (d) “President” means the president of the College;
- (e) “student” means a person who is registered or enrolled in a course of study or a program of the College.

(2) The *Corporations Act* applies to the College, except to the extent that that Act is inconsistent with this Act.

Application
of
R.S.O. 1980,
c. 95

Charter
Corporation
re-incorpor-
ated

2.—(1) The Board of Governors of the College is hereby constituted a body corporate with perpetual succession and a common seal under the name of “Eastern Pentecostal Bible College”.

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation, together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, regulations, resolutions and appointments of the College until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

3.—(1) The objects of the College are,

- (a) to provide instruction in higher Christian education for Christian faith and practice;
- (b) to prepare students to serve with competence in full-time Christian professions both at home and abroad; and
- (c) to equip students not anticipating full-time Christian service for positions of lay leadership and activity in various Christian ministries.

Idem

(2) The College shall be carried on as a Christian institute of theology and the College shall stand for the whole Scriptures as the all-sufficient rule for faith and practice, adopting the statement of Fundamental and Essential Truths approved by the Pentecostal Assemblies of Canada.

Board of
Governors

4.—(1) The affairs of the College shall be managed by the Board of Governors of the College.

Composition

(2) The Board of Governors shall be composed of sixteen governors who shall hold office for a term of two years and until their successors take office and the Board of Governors shall be constituted as follows:

- 1. The President and the Executive Director of Bible Colleges of the Pentecostal Assemblies of Canada, who shall both be *ex officio* members.

2. Four members of the Executive of the Western Ontario District of the Pentecostal Assemblies of Canada, appointed by the said Executive.

3. Four members of the Executive of the Eastern Ontario and Quebec District of the Pentecostal Assemblies of Canada, appointed by the said Executive.

4. Two members of the Executive of the Maritime District of the Pentecostal Assemblies of Canada, appointed by the said Executive.

5. Two members of the Executive of the Pentecostal Assemblies of Newfoundland, appointed by the said Executive.

6. Two laymen, appointed by the Board of Governors from a slate of nominees submitted by the Board of Administration.
- (3) No person shall be appointed as a member of the Board of Governors unless the person is a Canadian Citizen.

Citizenship
- (4) No governor, other than the President or the Executive Director of Bible Colleges of the Pentecostal Assemblies of Canada, shall serve on the Board of Governors for more than eight years consecutively, but on the expiration of one year after having served on the Board of Governors for eight consecutive years, such person is again eligible to be a member of the Board of Governors.

Restriction on service on the Board
- (5) A majority of the Board of Governors constitutes a quorum for the transaction of business.

Quorum
- (6) Where a vacancy occurs in the Board of Governors, the vacancy shall be filled by the same authority that appointed the person whose membership is vacant and the person so appointed shall hold office for the remainder of the unexpired term of the person whose membership is vacant, but service on the Board of Governors for an unexpired term shall not be included in the calculation of the eight consecutive years referred to in subsection (4).

Vacancies
- (7) The Board of Governors may by by-law increase the number of governors to a maximum of twenty-four and each additional governor shall be appointed by an Executive named in paragraph 2, 3, 4 or 5 of subsection (2) or by the Board of Governors subject to the following:

Additional governors

1. The Board of Governors shall not be entitled to appoint more than four additional governors.
2. Additional governors appointed by the Board of Governors shall be laymen chosen from a slate of nominees submitted by the Board of Administration.
3. If an Executive is to appoint an additional governor, the by-law shall name which Executive shall make the appointment.

Chairman,
etc.

5.—(1) There shall be a chairman and vice-chairman of the Board of Governors, a secretary and a treasurer or, in lieu of a secretary and a treasurer, a secretary-treasurer of the Board of Governors and such other officers as the Board of Governors may determine from time to time.

Idem

(2) The chairman and vice-chairman of the Board of Governors shall be elected by the Board of Governors from among the governors and shall hold office until their successors are elected.

Idem

(3) The secretary and treasurer or secretary-treasurer of the Board of Governors and any other officers who may be appointed by the Board of Governors need not be members of the Board of Governors.

Idem

(4) The chairman of the Board of Governors shall preside at meetings of the Board of Governors and, in his absence, the vice-chairman shall preside.

Board of
Adminis-
tration

6.—(1) There shall be an executive committee of the Board of Governors and the executive committee shall be known as the Board of Administration.

Composition

(2) The Board of Administration shall be composed of,

- (a) the President, who shall act as chairman, and four other members of the Board of Governors appointed by the Board of Governors;
- (b) the academic dean of the College; and
- (c) the business administrator of the College.

Powers

7. The government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the Board of Governors and the Board of Governors has all powers necessary or convenient to perform its duties and achieve the objectives and purposes of

the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study;
- (c) to appoint, promote, suspend and remove the members of the faculty, the academic officers and the non-academic staff and to determine their remuneration;
- (d) to grant tenure and leave to the academic officers and members of the faculty;
- (e) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (f) to appoint committees of the Board of Governors, in addition to the Board of Administration;
- (g) to delegate to the Board of Administration and to any committee appointed under clause (f) power and authority to act for the Board of Governors with respect to any matter or class of matters, provided that where power and authority to act for the Board of Governors are delegated to a committee, a majority of the members of the committee shall be members of the Board of Governors;
- (h) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;
- (i) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (j) to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Bachelor of Ministry and Bachelor of Missions;
- (k) to federate or affiliate the College with any other institute of higher learning;
- (l) to establish and collect fees and charges for tuition and for services of any kind offered by the College

and collect fees and charges on behalf of any entity, organization or element of the College;

- (m) to borrow money for the purpose of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (n) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (o) to acquire, accept, solicit or receive by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, device or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board of Governors may consider advisable;
- (p) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (q) to establish by by-law Christian doctrinal statements of the College which shall be adhered to by the members of the Board of Governors and the members of the faculty;
- (r) to appoint a member or members of the Board of Governors, or any other person or persons, to execute on behalf of the Board of Governors,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,and to affix the corporate seal of the College thereto;
- (s) to establish the fiscal year of the College; and

- (t) to regulate the admission of students and to set admission standards.

8.—(1) The Board of Governors shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least once a year.

Audit
R.S.O. 1980,
c. 405

(2) A copy of the audited annual statement shall be made available for inspection by the public during the normal office hours of the College.

Financial
report

(3) Subject to subsections (4) and (5), meetings of the Board of Governors shall be open to the public and prior notice of such meetings shall be given to the members of the Board of Governors and to the public in such manner as the Board of Governors by by-law shall determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board of Governors.

Meetings
open to
public

(4) Where matters confidential to the College are to be considered at a meeting of the Board of Governors, the part of the meeting concerning such matters may be held *in camera*.

Meetings
in camera

(5) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board of Governors, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board of Governors and the individual.

Idem

(6) The by-laws of the College shall be open to examination by the public during normal office hours.

By-laws

(7) The College shall publish its by-laws from time to time in such manner as the Board of Governors considers proper.

Idem

9.—(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

Property

(2) For the purposes of construing any instrument or other document, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.

References
to Charter
Corporation

10. The College shall be carried on without the purpose of gain for the members of the Board of Governors and all prof-

Non-profit
corporation

its or other accretions to the College shall be used in promoting its objects.

Dissolution

11. Upon the dissolution of the College and after payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to such churches in Canada and in such manner as the Pentecostal Assemblies of Canada may direct.

First
governors

12.—(1) The Board of Governors, until reconstituted in accordance with this Act, shall consist of those persons who, immediately prior to the coming into force of this Act, were members of the board of directors of the Charter Corporation.

New Board

(2) The Board of Governors shall be reconstituted in accordance with this Act within twelve months of the day that this Act comes into force.

Idem

(3) Service on the first Board of Governors under subsection (1) shall not be included in the calculation of the eight consecutive years referred to in subsection 4 (4).

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Eastern Pentecostal Bible College Act, 1983*.

CHAPTER Pr35

An Act respecting
The Corporation of Massey Hall
and Roy Thomson Hall

Assented to December 2nd, 1983

Whereas The Corporation of Massey Hall and Roy Thomson Hall, herein called the Corporation, hereby represents that it was incorporated as the Trustees of Massey Hall by *The Trustees of Massey Hall Act, 1952*, being chapter 141; that by supplementary letters patent dated the 7th day of March, 1972, the name of the Corporation was changed from “Trustees of Massey Hall” to “Massey Hall”; that by supplementary letters patent dated the 11th day of May, 1983, the name of the Corporation was changed from Massey Hall to “The Corporation of Massey Hall and Roy Thomson Hall”; and whereas by *The Massey Hall Act, 1979*, being chapter 30, an additional real property tax exemption was granted to the Corporation; and whereas the Corporation hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Board of Governors of the Corporation;
- (b) “Corporation” means The Corporation of Massey Hall and Roy Thomson Hall.

2. The Corporation is hereby continued as a corporation without share capital under the name “The Corporation of Massey Hall and Roy Thomson Hall”.

Name

3. The objects of the Corporation are, for charitable purposes,

Objects of
Corporation

- (a) to advance knowledge and appreciation of and to stimulate interest in the arts generally and music in particular by performance and otherwise;
- (b) to advance the development of the performing arts in Canada;
- (c) to provide opportunities for Canadian artistic talent;
- (d) to provide, own and operate facilities and services for the purposes referred to in clauses (a), (b) and (c), including but not limited to the halls known as Massey Hall and Roy Thomson Hall.

Powers of
Corporation

4. The Corporation shall have power to do all such things as are incidental or conducive to the attainment of its objects and without limitation may,

- (a) purchase, lease or otherwise acquire and hold any real or personal property or any estate or interest therein deemed necessary for the purposes of the Corporation;
- (b) take and hold any real or personal property or any estate or interest therein upon such trusts, if any, as may be imposed or created by the donor;
- (c) construct, maintain and alter any buildings and works considered necessary or convenient for the purposes of the Corporation;
- (d) sell, lease or otherwise dispose of the whole or any part of its property or any estate or interest therein when, in the opinion of the Board, the same is no longer required or suitable for the purposes of the Corporation;
- (e) permit others to use the premises or facilities of the Corporation or any part thereof for entertainments, meetings or other purposes upon such terms and conditions as the Board may see fit;
- (f) itself or, in association with others, present and hold entertainments and meetings and enter into such commitments and obligations and incur such expenses and make such advances in that connection as the Board may consider desirable;
- (g) employ such officers, servants and agents as the Board may consider necessary or desirable; and

- (h) acquire and hold shares and securities in any other company or corporation having objects altogether or in part similar to those of the Corporation or carry on any business capable of being conducted so as directly or indirectly to benefit the Corporation.

5.—(1) So long as the lands described in the Schedule are used for the purposes of the Corporation, they are exempt from taxes for municipal and school purposes and local improvement rates.

Tax exemption

(2) For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed exemption
R.S.O. 1980,
cc. 314, 31

6. The affairs of the Corporation shall be managed, supervised and controlled by a Board of Governors.

Board of Governors

7. The Board may,

Powers of Board

- (a) make by-laws, rules and regulations necessary or incidental to carrying out the objects of the Corporation and the powers and duties of the Board and the Corporation;
- (b) make by-laws,
 - (i) to provide for the time for and the manner of election of members of the Board, including the election and retirement of members of the Board in rotation but in that case no member of the Board shall be elected for a single term of more than five years and at least three members of the Board shall retire from office in each year, provided that any retiring member of the Board may be eligible for re-election or reappointment for more than one term, subject to the by-laws,
 - (ii) to provide for the appointment of *ex officio* members of the Board,
 - (iii) to provide for a minimum and maximum number of members of the Board and of the executive committee of the Board, if any, the number of members of the Board and of the executive committee, if any, being determined from time to time by the Board,

- (iv) to provide for a quorum of the Board and of the executive committee of the Board, if any, that shall be not less than two-fifths of the minimum number of members of the Board or of the executive committee, as the case may be,
- (v) to provide for the admission of members and the qualifications and the conditions of membership,
- (vi) to provide for classes of membership,
- (vii) to provide that a member or a member of a class has one vote, more than one vote or no vote, and
- (viii) to provide for the holding of meetings of members at such time and place as may be provided;
- (c) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers, servants and agents of the Corporation;
- (d) provide for the retirement and superannuation of persons mentioned in clause (c);
- (e) appoint by resolution one or more members of the Board or other persons, to execute on behalf of the Board any documents or other instruments in writing and to affix the corporate seal of the Corporation thereto;
- (f) appoint an executive committee of the Board and delegate to the executive committee such powers of the Board as the Board may from time to time decide;
- (g) appoint other committees from the members of the Board and such other committees as are considered desirable;
- (h) enter into agreements with any individual, body corporate, association or organization to promote the objects of the Corporation;
- (i) establish and support or aid in the establishment and support of bodies corporate, associations or organi-

zations to promote the objects of the Corporation;
and

- (j) generally conduct and manage the business and affairs of the Corporation.

8. The fiscal year of the Corporation may be determined by the Board from time to time.

Fiscal year

9.—(1) The Corporation is to be operated without purpose of gain for its members.

Application
of property

(2) The property and any profits of or other accretions to the Corporation shall be applied solely to promoting the objects of the Corporation.

Idem

(3) Subsections (1) and (2) shall not be construed so as to prohibit a member of the Board from receiving reasonable expenses incurred by the member in the performance of his duties or to prohibit a member of the Board or member from receiving reasonable remuneration and expenses for his services to the Corporation as an officer or in any other capacity provided that a member does not receive remuneration in his capacity as a member of the Board.

Interpre-
tation

10. The Board,

Borrowing
powers

- (a) may borrow money upon the credit of the Corporation;
- (b) may issue bonds, debentures or other securities of the Corporation and pledge or sell them for such sums or at such prices as it considers expedient or necessary; and
- (c) may charge, mortgage, hypothecate or pledge all or any of the property, rights or powers of the Corporation to secure any bonds, debentures or other securities and any indebtedness of or money borrowed or any other obligation or liability of the Corporation.

11. The funds of the Corporation not immediately required for its purposes and the proceeds of all property that come to the Corporation, subject to any trust or trusts affecting them, may be invested in such investments as the Board considers proper.

Investment
of funds

12. The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Corporation annually.

Audit
R.S.O. 1980,
c. 405

Trust
property

13. No provision in this Act shall be construed so as to authorize the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to the gift that the property shall not be alienated, hypothecated, mortgaged or pledged.

Distribution
of real
property

14. If at any time the Corporation sells any of its real property as no longer being suitable for the objects of the Corporation and the Board determines that it is not feasible to acquire new real property or to apply the proceeds of sale to the enhancement of its other properties, the proceeds shall be applied and distributed to and among such charitable institutions or charitable enterprises in Canada as the Board may determine.

Dissolution

15. Upon the dissolution of the Corporation and after the payment of all debts and liabilities, the remaining property of the Corporation shall be applied and distributed to and among such charitable institutions or charitable enterprises in Canada as the Board may determine.

Vesting

16.—(1) All property, real and personal, and the undertaking and assets, with all the rights, powers, privileges and immunities vested in, owned, held, possessed or enjoyed by the Corporation immediately prior to the coming into force of this Act, including without limitation the lands and premises described in the Schedule and all other real and personal property constituting, on the 9th day of April, 1952, assets of the trust created by the late Hart Almerrin Massey in respect of Massey Hall, continue to be vested in the Corporation.

Liability

(2) The Corporation continues to be liable for all debts, commitments and obligations of the trust referred to in subsection (1) or of the trustees thereof outstanding on the 10th day of April, 1952.

Conflict

R.S.O. 1980,
c. 95

17. In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provisions of this Act prevail.

Repeal

1952, c. 41;
1979, c. 130

18. *The Trustees of Massey Hall Act, 1952* and *The Massey Hall Act, 1979* are repealed.

Commence-
ment

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. The short title of this Act is the *Massey Hall and Roy Thomson Hall Act, 1983*.

SCHEDULE

PARCEL ONE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of Lots Numbers Eight, Nine and Ten on the west side of Victoria Street, as laid down on Plan 22-A filed in the Registry Office for said City, said parcel having a frontage of one hundred and thirty-one feet, more or less, on the west side of Victoria Street by a depth of one hundred and twenty-two feet, more or less, to a lane on the south side of Shuter Street.

PARCEL TWO

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street, according to a Plan registered as Number 22-A in the Registry Office for the City of Toronto, and now on file in the Registry Office for the Registry Division of Toronto, and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by the production easterly of the southerly face of the southerly wall of the brick building standing in 1932 mainly upon the northerly part of the said Lot, which point is distant one hundred and fifty-four feet eight inches (154' 8''), more or less, measured southerly along the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE westerly to and along the said southerly face of wall, fifty-four feet one and one-quarter inches (54' 1¼'') to the southwestly angle of the said building, being to a point in the westerly limit of the said Lot, which point is distant one hundred and fifty-five feet eleven and one-quarter inches (155' 11¼'') measured southerly, parallel to said limit of Victoria Street from the said southerly limit of Shuter Street; THENCE northerly along the said westerly limit of Lot Number 7, being along the westerly face of the westerly wall of the said building, twenty-two feet five and three-quarter inches (22' 5¾'') to the northerly limit of said Lot Number 7 as represented in part prior to the erection of the said building and the erection of the building known as Massey Hall, by the site of an old fence; THENCE easterly along the said limit represented as aforesaid, and still following the said limit along the site of the line between the northerly wall of the building formerly standing on the lands herein described and the southerly wall of the building formerly standing on the lands to the north thereof, in all, a distance of fifty-four feet one inch (54' 1''), more or less, to the westerly limit of Victoria Street aforesaid; THENCE southerly along the last mentioned limit twenty-two feet ten and one-quarter inches (22' 10¼''), more or less, to the point of commencement.

PARCEL THREE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by a line drawn parallel to the southerly limit of

the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building, and distant twenty-seven feet (27') northerly therefrom measured at right angles thereto, the said point being distant four hundred and five feet one inch (405' 1''), more or less, measured northerly from the northerly limit of Queen Street East along the said westerly limit of Victoria Street; THENCE westerly along the said parallel line a distance of fifty-four feet two and one-quarter inches (54' 2¼''), more or less, to the point of intersection with the westerly limit of the said Lot, the said point of intersection being distant four hundred and four feet and one-quarter inch (404' 0¼''), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the westerly limit of Victoria Street; THENCE northerly along said westerly limit of Lot Number 7 a distance of four feet ten and one-half inches (4' 10½''), more or less, to the point of intersection thereof with the southwesterly angle of the brick building standing in 1932 and still standing mainly upon the northerly part of said Lot Number 7 which said point of intersection is distant one hundred and fifty-five feet eleven and one-quarter inches (155' 11¼'') measured southerly parallel to the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE easterly along the southerly face of the southerly wall of the last mentioned building and the production thereof easterly in all a distance of fifty-four feet two inches (54' 2''), more or less, to the said westerly limit of Victoria Street; THENCE southerly along the last mentioned limit a distance of four feet eight and one-half inches (4' 8½''), more or less, to the said point of commencement.

PARCEL FOUR

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Park Lot 8, Concession 1 from the Bay of the Township of York, and now in the City of Toronto aforesaid, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the westerly limit of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building and distant twenty-seven feet (27') northerly therefrom measured at right angles thereto, the said point of commencement being distant four hundred and four feet and one-quarter of an inch (404' 0¼''), more or less, measured northerly from the northerly limit of Queen Street East on the course of the westerly limit of Victoria Street, and being also distant fifty-four feet two and one-quarter inches (54' 2¼''), more or less, measured westerly along the said parallel line from the said westerly limit of Victoria Street; THENCE westerly along the production of the said parallel line sixty-eight feet eight and one-half inches (68' 8½''), more or less, to the easterly limit of a lane, sometimes referred to as the extension southerly of St. Enoch's Square, being to a point therein distant four hundred and two feet eight inches (402' 8''), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the said westerly limit of Victoria Street; THENCE northerly along the said easterly limit of lane twenty-nine feet eight inches (29' 8''), more or less, to the point of intersection with the production westerly of the southerly limit of Lot Number 8 on the west side of Victoria Street according to the said Plan 22-A; THENCE easterly to and along the said southerly limit of Lot Number 8 as represented by the former old line of occupation, in all a distance of sixty-eight feet four and three-quarter inches (68' 4¾''), more or less, to the said westerly limit of the said Lot Number 7; THENCE southerly along the last mentioned limit twenty-seven feet four and one-quarter inches (27' 4¼''), more or less, to the point of commencement.

PARCEL FIVE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Lot Number 8 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the southerly limit of the said Lot where the same is intersected by the westerly face of the westerly wall of the brick building standing in November, 1947 mainly upon the northerly part of Lot Number 7 on the west side of Victoria Street according to the said Plan, the said point of intersection being distant fifty-four feet one and one-half inches ($54' 1\frac{1}{2}''$), more or less, measured westerly along the southerly limit of the said Lot Number 8 from the westerly limit of Victoria Street, and being also distant four hundred and thirty-one feet four and one-half inches ($431' 4\frac{1}{2}''$), more or less, northerly from the northerly limit of Queen Street East measured on the course of the said limit of Victoria Street; THENCE northerly along the said westerly face of wall seven and one-half inches ($7\frac{1}{2}''$), more or less, to the southerly face of the southerly wall of the brick building known at the date hereinbefore last mentioned as Massey Music Hall; THENCE westerly along the last mentioned face of wall sixty-six feet one and one-half inches ($66' 1\frac{1}{2}''$), more or less, to the southwesterly corner of the said building, being to a point in the said southerly limit of Lot Number 8; THENCE easterly along the last mentioned limit, as represented by the former old line of occupation, sixty-six feet one and one-half inches ($66' 1\frac{1}{2}''$), more or less, to the point of commencement.

That parcel of land and premises situate in the City of Toronto, in The Municipality of Metropolitan Toronto, being composed of all of Lot 5 and parts of Lots 6 and 7 on the north side of Simcoe Place, all of Lots 25 and 26 and part of Lot 24 on the south side of Russell Square, all according to a plan filed in the Land Registry Office for the Registry Division of Toronto (No. 63) as the Town of York Plan, and designated as Part 5 on a Plan deposited in the said Land Registry Office as Number 63R-1187.

CHAPTER Pr36

An Act to incorporate Heritage Windsor

Assented to December 16th, 1983

Whereas Henry Clifford Hatch, Charles Joseph Clark, David Ireland McWilliams, Albert Howard Weeks, Ronald William Ianni, Sylvia Evelyn Ruth Curry, Gerald Freed, Albert Henry Fast and Alexander William McCrindle hereby represent that it is desirable and in the public interest to create a perpetual body to receive, maintain and manage, control and use donations for charitable purposes in the Windsor district; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Board of Directors of Heritage Windsor;
- (b) “director” means a member of the Board;
- (c) “donor” means any person, firm, corporation or estate who, which or that may make any gift or grant of any real or personal property of any nature and wherever situate to Heritage Windsor;
- (d) “Windsor district” means the City of Windsor and such part of the surrounding area in the Province as in the opinion of the Board is readily accessible to Windsor.

2.—(1) There is hereby established a corporation without share capital under the name “Heritage Windsor”.

Heritage
Windsor
incorporated

(2) Heritage Windsor shall be composed of the members for the time being of the Board.

Composition

3. The objects of Heritage Windsor are to receive, maintain, manage, control and use the funds entrusted to it for

Objects

charitable purposes within Ontario and, without restricting the generality of the foregoing, to provide for such other charitable purposes relating to welfare and cultural matters as may, in the discretion of the Board, appear to contribute to the mental, moral, cultural and physical improvement of the inhabitants of the Windsor district.

Assistance to
other
institutions

4. To carry out the objects of Heritage Windsor, the funds available to it may be used for the assistance of such institutions, organizations, agencies and bodies as may be engaged in the promotion or advancement of the objects of Heritage Windsor or any of them and the Board may determine what institutions, organizations, agencies or bodies, whether or not they are within the Windsor district, are to benefit by that assistance in each year, and to what extent.

Powers
R.S.O. 1980,
c. 95

5. In addition to the powers, privileges and immunities vested in a corporation under the *Corporations Act*, Heritage Windsor is empowered,

- (a) to accept gifts, grants, legacies, devises or bequests of real or personal property of every nature wherever situate or to refuse such gifts, grants, legacies, devises or bequests;
- (b) subject to any other provision of this Act, to use and distribute such portions of the funds available to Heritage Windsor as the Board deems proper, in order to advance the objects of Heritage Windsor;
- (c) subject to any other provision of this Act, to pledge, mortgage or otherwise encumber any of the property of Heritage Windsor or any interest in it including property held in trust;
- (d) to borrow, raise or secure the payment of money for any of the objects of Heritage Windsor by any means whether or not charged upon the property of Heritage Windsor and to redeem or pay off any such obligation;
- (e) to have the custody and management of all or any of the property of Heritage Windsor carried out by one or more trust companies, banks, investment counselors or other financial institutions or agents in such manner as the Board may consider proper;
- (f) to lease any real property held by Heritage Windsor;

- (g) subject to the *Charitable Gifts Act*, to carry on a related business or a business donated to Heritage Windsor and to use the net profits of such business for the purposes of Heritage Windsor and to dispose of such business; R.S.O. 1980, c. 63
- (h) to accumulate any unused net annual income from Heritage Windsor for its purposes; and
- (i) to receive, invest and manage endowment and capital funds previously held by or expected to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with an arrangement between Heritage Windsor and the organization and, upon request, to return such funds.

6.—(1) The rule against perpetuities and the rule against accumulations do not apply to donations made to or moneys held by Heritage Windsor and the *Accumulations Act* does not apply to donations made to or moneys or property held by it. Non-application of certain rules of law
R.S.O. 1980, c. 5

(2) The *Corporations Act* applies to Heritage Windsor except to the extent that it is inconsistent with this Act. Application of R.S.O. 1980, c. 95

(3) The *Charitable Gifts Act* and the *Charities Accounting Act* apply to Heritage Windsor and to all donations made to or moneys or property held by it. Application of R.S.O. 1980, cc. 63, 65

7.—(1) The affairs of Heritage Windsor shall be managed by the Board and, after the term of the first members, shall consist of nine persons who at the time of their appointment are residents of the Windsor district nominated and appointed by the Committee of Nominators from among those persons who, in the opinion of the Committee, have demonstrated an interest in the welfare of the community. Board of Directors

(2) The first members of the Board shall be Henry Clifford Hatch, who shall be the first chairman of the Board, Charles Joseph Clark, David Ireland McWilliams, Albert Howard Weeks, Ronald William Ianni, Sylvia Evelyn Ruth Curry, Gerald Freed, Albert Henry Fast and Alexander William McCrindle and the first Board shall serve for a period of three years after the coming into force of this Act. First Board

8.—(1) The Board shall be nominated and appointed by a Committee of Nominators consisting of the following: Committee of Nominators

1. The Mayor of the City of Windsor.

2. The Senior Judge of the County Court of the County of Essex.
3. The chief elected representative of the Windsor Chamber of Commerce, however designated.
4. The chief elected representative of the Windsor and District Labour Council, however designated.
5. The President of the University of Windsor.
6. The President of the Essex Law Association.
7. One resident of the Windsor district who is not a director and who shall be chosen by the members of the Committee referred to in paragraphs 1 to 6,

and the Committee shall elect a chairman from among its members.

Idem

(2) If any of the persons listed in subsection (1) refuses or is unable to carry out his or her duties as a member of the Committee of Nominators or if his or her office ceases to exist or becomes known by another name or is reconstituted, two-thirds of the other members of the Committee of Nominators, may either temporarily or permanently substitute for the office such other office as may in their belief as nearly as possible meet the original intent of this Act.

List to be maintained

(3) The Board shall maintain a current list of the names of the members of the Committee of Nominators and shall make a copy of the list available to members of the public on request.

Ineligible persons

(4) No member or former member of the Committee of Nominators shall be nominated or appointed to the Board until a period of six years has elapsed after such member has ceased to be a member of the Committee of Nominators.

Duties

(5) The chairman of the Committee of Nominators shall convene the first meeting of the Committee not less than six weeks before the term of the first directors appointed under subsection 7 (2) expires and shall thereafter fix a date once in each year for a meeting of the Committee of Nominators, and at the meeting, the Committee shall nominate and appoint such members of the Board as are required to fill any vacancies and to succeed members whose terms have expired.

Quorum, etc.

(6) Four members present shall form a quorum for the business of the Committee of Nominators and the Committee may act by a majority of its members present at a meeting.

(7) Each member of the Committee of Nominators shall have one vote on the nomination and appointment of each office to be filled. Votes

9.—(1) The term of office of a director shall be three years but at the time of nominating and appointing the directors to succeed the first directors appointed under subsection 7 (2), the Committee of Nominators shall determine by lot the term of office of each of the directors so that one-third of the directors shall retire in each succeeding year. Term of office of directors

(2) A person appointed to fill a vacancy in the office of a director shall serve for the remainder of the unexpired term of the director whose office is vacant. Vacancy

(3) A director may be re-appointed but, upon having served nine years, whether or not consecutively, as a director, the person shall cease to be eligible to serve as a director. Re-appointment

(4) The term of office of a director terminates immediately upon the death or resignation of the person or upon the assumption of an office referred to in paragraphs 1 to 6 of subsection 8 (1). Termination of office

(5) The Board may by resolution terminate the term of office of a director, Idem

- (a) who fails to attend three consecutive Board meetings without reasonable excuse;
- (b) who, in the opinion of the Board, is guilty of misconduct, whether in connection with Heritage Windsor affairs or otherwise, which adversely affects the reputation of Heritage Windsor; or
- (c) who suffers from an incapacity that, in the opinion of the Board, may prevent the director from discharging his or her duties for more than eight months.

10.—(1) The Board shall meet at least once in each quarter of the year in the Windsor district or at such convenient place as the Board may determine. Board meetings

(2) A quorum of the Board is five members and the Board may act by a majority of its members present at a meeting, but the affirmative votes of six members shall be required for a resolution to apply to amend this Act or to approve the expenditure of Heritage Windsor funds for a specific project or purpose. Quorum, etc.

Votes

(3) Each member of the Board shall have one vote.

Remuneration

(4) A member of the Board shall not receive remuneration for his or her services except the reimbursement of reasonable expenses.

Powers of Board

11.—(1) The powers of Heritage Windsor are vested in and shall be exercised by the Board, and without restricting the generality of the foregoing, the Board may,

- (a) elect its own chairman and one or more vice-chairmen from among its members;
- (b) appoint an executive director, treasurer, secretary or secretary-treasurer and such other officers and employees of Heritage Windsor as it deems expedient and may prescribe their respective duties, powers and authority, and may determine the tenure of each such office, or the period of employment of each employee;
- (c) subject to subsection 10 (4), fix and determine the remuneration of officers and employees of Heritage Windsor;
- (d) establish such committees of Board members as it deems proper to establish and to disband such committees;
- (e) make by-laws, resolutions, rules and regulations not inconsistent with any provision of this Act, touching or respecting any or all of the aforesaid powers of Heritage Windsor or of the Board, and also in respect of all matters pertaining to the business, meetings and proceedings of the Board;
- (f) open and operate an account with any bank or trust company and deposit in it such funds as may be required from time to time to pay the costs of administering the affairs of Heritage Windsor and to pay the costs from the account;
- (g) establish by by-law such classifications of non-voting associate members on such terms as it may think will further the objects of Heritage Windsor and to vary such classifications from time to time;
- (h) invest and reinvest, or cause to be invested and reinvested, all of its funds in investments authorized for the investment of funds of life insurance companies

in Canada but the Board may authorize and direct the retention of any specific assets donated, devised or bequeathed to Heritage Windsor by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which Heritage Windsor is authorized to invest by this Act, and Heritage Windsor and the members of the Board shall, under no circumstances, be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable for any loss or damage that may be suffered by reason of the retention of any such assets or the investments of any such moneys in accordance with the power and authority given in this clause;

- (i) compromise, compound and adjust claims in favour of or against the property or funds held or intended to be held by Heritage Windsor upon such terms and conditions as it considers just, expedient and proper;
- (j) accumulate net income from year to year with the intention of distributing such accumulation for the purposes of Heritage Windsor; and
- (k) pay, apply and distribute such portion of the net annual income arising from the investment of the funds of Heritage Windsor and such portion of the capital of the funds of Heritage Windsor as the Board may decide or as the *Income Tax Act* (Canada) may from time to time require for such charitable purposes as the Board may consider advisable.

R.S.C. 1952,
c. 148

(2) The Board shall not make loans to the directors, officers or employees of Heritage Windsor and shall not give, directly or indirectly, by means of loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by a director, officer or employee of Heritage Windsor.

Restriction

12.—(1) In deciding the manner in which and the extent to which funds shall be used or applied, the Board shall respect and be governed by any trust imposed by the donor in the instrument creating the trust or effecting the gift of the funds to Heritage Windsor and the requirements of the *Income Tax Act* (Canada).

Matters to be
considered

(2) If, after the death of a donor, or if the donor was a corporation, after its winding-up, either voluntarily or otherwise,

Variation

- (a) conditions arise whereby, in the opinion of the Board, the departure from the terms of the original trust or gift would further the true intent and purpose of the donor; or
- (b) changed conditions make it no longer possible, wise, practical or lawful, in the opinion of the Board, to meet the expressed wish of the donor,

the Board may apply to a judge of the Supreme Court, *ex parte*, or on notice to such persons as the judge may direct, for an order that the Board may,

- (c) make such departure to further the true intent and purpose of the trust or gift; or
- (d) use and apply the funds for such purposes as are, in the opinion of the Board, closest to the original intent and purpose of the donor.

Application
of donations

(3) If no conditions are imposed by the donor with regard to the use of the donor's gift, the Board may in its absolute discretion use and apply the gift for such purposes as it may deem proper having regard to the provisions of this Act.

Deemed
assent by
donors

(4) This section shall be deemed to have been assented to by every donor of Heritage Windsor as a condition of Heritage Windsor accepting the gift.

Waiver

(5) Subsection (4) may be waived by the Board at the time of acceptance of a gift.

Honorary
directors

13.—(1) The Board may appoint honorary directors of Heritage Windsor in recognition of their service to Heritage Windsor or their status in the Windsor district and any such appointment may be for any such years, or for life, as the Board may determine and may be terminated by resolution of the Board at any time.

Idem

(2) Honorary directors shall be invited to attend meetings of the Board and participate in its discussions but shall not be entitled to vote.

Transfer of
assets from
other trusts

14.—(1) Where any person holds any property in trust for any purpose of a nature similar in whole or in part to the objects of Heritage Windsor, and by reason of the object of the trust having ceased to exist, or the trust having for any cause become incapable of performance, or the trust having become difficult to perform, the person, as trustee may, upon notice to Heritage Windsor, apply to a judge of the Supreme

Court of Ontario for an order directing the trustee to hand over such property to Heritage Windsor to be used under this Act.

(2) A judge receiving an application under subsection (1) has the power to make an order for the handing over of the property to Heritage Windsor and any trustee complying with such an order shall thereupon be relieved and discharged of all further responsibility in respect of such property. Idem

15.—(1) Heritage Windsor, as soon as practical after a donation has been received, shall by resolution of the Board, appoint, subject to the provisions of any trust imposed by the donor, one or more trust companies, banks or other fiscal institutions authorized to carry on business in Ontario to assume the custody of the property comprising such donation, or such portion or portions of it as may be allotted by the Board to such trust company, bank or other fiscal institution, to act as custodian for Heritage Windsor and if desired, as investment manager of it. Custody of donations

(2) Heritage Windsor may at any time, by resolution of the Board, revoke the appointment of any trust company, bank or other fiscal institution as custodian, and may appoint any other trust company, bank or other fiscal institution as custodian in its place. Revocation of appointment

(3) All transfers, assignments or conveyances of property by Heritage Windsor shall be executed by and on behalf of it in such manner as the Board may from time to time prescribe by resolution, and shall further be executed by the custodian for the time being of the property to be so transferred, assigned or conveyed. Execution of transfers, etc.

(4) Heritage Windsor shall authorize and require the custodian during its continuation in office as custodian, Duties of custodian

- (a) to have the custody of all property entrusted to it by Heritage Windsor or by any donor on behalf of Heritage Windsor and make all investments, reinvestments, conversions, sales or dispositions of it which at any time or from time to time the investment manager considers necessary or desirable;
- (b) to observe, carry out, perform and give effect to all terms, provisions and conditions expressed in any instrument creating any trust;
- (c) to give effect to and observe all directions with regard to any property entrusted to it by Heritage Windsor under the provisions of this Act, which may

at any time or from time to time be given in writing by the Board;

- (d) to distribute from the moneys in its possession such sums and in such manner as the Board shall at any time or from time to time direct in writing; and
- (e) to give to the auditor of Heritage Windsor all information and permit him to make such inspections as is necessary to carry out the audit of Heritage Windsor.

Management
of donations

16.—(1) Heritage Windsor, as soon as practical after a donation has been received, shall by resolution of the Board appoint, subject to the provisions of any trust imposed by the donor, one or more trust companies, banks, investment counsellors or other fiscal agents authorized to carry on business in Ontario to assume the management of the property comprising such donation or such portion or portions of it as may be allotted by the Board to the trust company, bank or investment counsellor or other fiscal agent.

Revocation
of
appointment

(2) Heritage Windsor may at any time, by resolution of the Board, revoke the appointment of any trust company, bank, investment counsellor or other fiscal agent as such investment manager and may appoint any other trust company, bank, investment counsellor or other fiscal agent as investment manager in its place.

Duties of
investment
managers

(3) Heritage Windsor shall require the investment manager, during its continuance in office as investment manager for Heritage Windsor, to make recommendations for consideration and acceptance by the Board for all investments, reinvestments, conversions, sales and dispositions of the property which it is managing and which it may, at any time and from time to time, consider necessary or desirable and which Heritage Windsor is empowered to make.

Common
investment
account

17.—(1) Notwithstanding any other provision of this Act, Heritage Windsor may establish a common investment account in which property received by Heritage Windsor is, subject to the provisions imposed by the donor on any such property, combined for the purpose of facilitating the investment and administration of the property.

By-laws

(2) The Board may pass by-laws from time to time concerning,

- (a) the property that may be included in the common investment account;

- (b) the operation of the common investment account;
- (c) the distribution of the income of the common investment account; and
- (d) the method of valuation of the property in the common investment account and of any property being transferred into the account.

(3) Subject to any conditions imposed by a donor, reasonable administrative expenses incurred by the Board may be charged against all trusts, on a *pro rata* basis or on such other basis as the Board considers equitable.

Charges

18. Any form of words shall be sufficient to constitute a donation for the purposes of this Act as long as the donor indicates an intention to contribute presently or prospectively to a fund or foundation of the general character indicated in this Act.

Form of words

19. When a donation has been made to Heritage Windsor, in trust, of any property to take effect in the future, the Board is empowered to accept and exercise any powers of appointment, settlement or distribution with respect to the income in whole or in part derivable from such property in the interim, and also power to nominate executors and trustees in the manner provided in the instrument creating the trust.

Future vesting

20. Where property has been donated to Heritage Windsor and the donor wishes that the donation be used in accordance with the objects of Heritage Windsor but in whole or in part for the benefit of persons not resident in the Windsor district, the Board may accept and exercise the trust in respect of such donation as fully and effectually as if it were made for the benefit of residents of the Windsor district.

Gifts for benefit of person outside Windsor district

21.—(1) The fiscal year of Heritage Windsor shall be the twelve months ending on the thirtieth day of June in each year.

Fiscal year

(2) The Board shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting and, if an appointment is not so made, the auditor in office shall continue until a successor is appointed.

Audit

(3) The directors may fill any casual vacancy in the office of the auditor but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Vacancies

- Restriction (4) No person shall be appointed as auditor of Heritage Windsor who is a partner, employer or employee of any member of the Board or officer or employee of Heritage Windsor.
- Publication of statement (5) Heritage Windsor shall cause an audit to be made at least once in every fiscal year of its receipts and disbursements by its auditor or auditors and shall cause to be published in a newspaper in Windsor, a certified statement by the auditor or auditors showing the investments made of all funds donated to and vested in Heritage Windsor, the amount of income received during the preceding fiscal year, the purposes for which the income has been used and a classified statement of the expenses of Heritage Windsor.
- Dissolution **22.** Upon the dissolution of Heritage Windsor and after payment of all its debts and liabilities, its remaining property shall be transferred, subject to any trust affecting any portion of the property, to such charitable organization or organizations in the Windsor district as the Board in its discretion thinks will best carry out the intentions of the individual donors and the purposes of Heritage Windsor.
- Commencement **23.** This Act comes into force on the day it receives Royal Assent.
- Short title **24.** The short title of this Act is the *Heritage Windsor Act, 1983*.

CHAPTER Pr37

**An Act to revive the
Malton Memorial Recreation Association**

Assented to December 16th, 1983

Whereas Frank McKechnie, Don McPhail, Joan Nind, Tom Brassard, Dave McGowan, William Conrad Newbound, Lawrence Van Bilsen, Sophie Clark, Jean Terrion, Evelyn Faubert, Theda Bardsley, Allen Wedgewood, Bryan Lavery, Leila Sherwin, Guay Belanger, Margaret Newbound, Terrence Lewis, Roy Mugford and Albert Brierly hereby represent that the Malton Memorial Recreation Association, herein called the Corporation, was incorporated by letters patent dated the 6th day of June, 1963; that the Minister of Consumer and Commercial Relations by an order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default for a period of one year in filing its annual returns under *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of the Malton Memorial Recreation Association; that notice of default was apparently sent to the Corporation at its address shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the social and other functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Malton Memorial Recreation Association is hereby revived and is, subject to any rights acquired by any person Revival

after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Malton Memorial Recreation Association Act, 1983*.

CHAPTER Pr38

An Act respecting the Ottawa Civic Hospital

Assented to December 16th, 1983

Whereas The Trustees of the Ottawa Civic Hospital, herein called the hospital corporation, and The Corporation of the City of Ottawa, hereby represent that the hospital corporation was incorporated by *The Ottawa Civic Hospital Act*, being chapter 122 of the Statutes of Ontario, 1919; that the hospital corporation operates the Ottawa Civic Hospital; that by reason of changes in legislation since 1919 related to the regulating and funding of public hospitals, it is desirable to revise the hospital corporation’s Act of incorporation; that it is also desirable that Ottawa Civic Hospital Corporation, incorporated in 1979, be dissolved; and whereas the hospital corporation and The Corporation of the City of Ottawa hereby apply for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,
- Interpre-
tation
- (a) “Board” means the Board of Trustees of the Corporation;
 - (b) “Corporation” means Ottawa Civic Hospital, as continued under section 2;
 - (c) “Hospital” means the hospital known as the Ottawa Civic Hospital.

2.—(1) The corporation incorporated under the name “The Trustees of the Ottawa Civic Hospital” is hereby continued as a corporation without share capital under the name “Ottawa Civic Hospital” and shall be composed of those persons who from time to time comprise its Board.

Corporation continued, name changed

(2) The change in name of the Corporation does not affect its rights or obligations.

Change not to affect rights, etc.

Duties of
Corporation
R.S.O. 1980,
c. 410

3.—(1) Subject to the *Public Hospitals Act*, the Corporation shall,

- (a) operate, maintain and manage the Hospital; and
- (b) manage all the real and personal property used for the purposes of the Hospital.

Powers of
Corporation

(2) The Corporation has the power and authority, subject to the approval of the council of The Corporation of the City of Ottawa, to alter, expand or enlarge the Hospital and establish other hospitals or other similar institutions, with power to do all things necessary, incidental, usual or desirable in connection therewith.

Powers
of City

(3) The council of The Corporation of the City of Ottawa may,

- (a) acquire by gift or purchase;
- (b) subject to the *Expropriations Act*, expropriate; or
- (c) lease,

R.S.O. 1980,
c. 148

any real property within the City of Ottawa or elsewhere that is necessary or desirable for the alteration, expansion or enlargement of the Hospital or for the establishment of other hospitals or other similar institutions.

Sale of
assets

(4) Subject to the *Public Hospitals Act*, the Corporation may from time to time sell or dispose of any personal property no longer required for its purposes, but the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Corporation.

Board of
Trustees

4.—(1) The affairs of the Corporation shall be managed by a Board of Trustees.

Composition
of Board

(2) The Board shall be composed of,

- (a) such persons as may be trustees *ex officio* under the *Public Hospitals Act*;
- (b) the mayor of the City of Ottawa;
- (c) one nominee of the Ottawa Civic Hospital Auxilliary; and
- (d) twelve trustees appointed by the council of The Corporation of the City of Ottawa.

(3) A member of the Board appointed under clause (2) (d), Residence
requirement

(a) shall, at the time of the appointment to the Board, be a resident of The Regional Municipality of Ottawa-Carleton and at least eight of such trustees shall be residents of the City of Ottawa at the time of their appointment; and

(b) shall cease to be eligible to serve as a member of the Board if the residency requirement held at the time of appointment is not maintained.

(4) No officer or employee of the Corporation shall be appointed under clause (2) (d) as a member of the Board and not more than two of the members of the Board appointed under clause (2) (d) shall be members of the council of The Corporation of the City of Ottawa. Restrictions

(5) The members of the Board appointed under clause (2) (d) shall serve as members for a term of three years and until their successors are appointed, but no such member shall serve for more than three consecutive terms, but, a member who has served three consecutive terms is again eligible for appointment to the Board on the expiration of one year after having completed the third of three consecutive terms. Term of
office

(6) Service on the Board of The Trustees of the Ottawa Civic Hospital before the coming into force of this Act constitutes service on the Board for the purposes of subsection (5). Idem

(7) Where a vacancy occurs among the members of the Board appointed under clause (2) (d), the council of The Corporation of the City of Ottawa shall forthwith appoint a person to fill the vacancy and, where the vacancy occurs before the expiry of the term of the vacating member, the appointee shall hold office for the remainder of the unexpired term of the vacating member. Vacancies

(8) The Board may by resolution passed by two-thirds of the votes cast by the members present at a meeting duly called for the purpose declare the seat of a member appointed under clause (2) (d) vacant if, in the opinion of the Board, the member has contravened this Act or the by-laws of the Corporation. Declaration
of vacancy

(9) The Board shall appoint annually at its first meeting in each fiscal year one of the members appointed under clause (2) (d) to be the chairman and may from time to time appoint one of its members appointed under that clause to be vice-chairman who shall, in the absence of the chairman or if the office of the chairman is vacant, act in the chairman's place and Chairman,
etc.

the Board may appoint such other officers as the Board considers necessary.

Votes (10) Questions arising at any meeting of the Board shall be decided by a majority of votes.

Remuneration (11) The services of the members of the Board shall be given without remuneration, except for actual disbursements incurred in connection with the affairs of the Corporation and approved by the Board, but this subsection does not prevent an *ex officio* member of the Board from receiving a salary or other remuneration for his or her employment by or services rendered to the Corporation otherwise than as a trustee.

Transition (12) Every member of the Board of The Trustees of the Ottawa Civic Hospital in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires.

President **5.** The Administrator of the Hospital shall be the President of the Corporation.

Estimates **6.**—(1) Before the beginning of each fiscal year of the Corporation, the Board shall submit to the council of The Corporation of the City of Ottawa, for approval, estimates of its revenues and expenditures for the fiscal year in its operating fund and all reserve and trust funds, and estimates of expenditures in its capital fund for the ensuing five fiscal years, together with an estimate of the sources of funding of such capital expenditures, including receipts from the sale of assets.

Idem (2) In preparing the estimates for the operating fund, the Board shall make due allowance for a surplus of any previous year that will be available and shall provide for any operating deficit of any previous year and may provide for anticipated revenues on account of operations from all sources, including the Ministry of Health, any municipality, and transfers to or from other funds, but the Board shall not budget for a surplus or deficit to be incurred in the fiscal year to which the estimates relate.

Long term debt (3) The Board shall not authorize or proceed with or provide any moneys for any undertaking, work or project the cost of which is to be provided in whole or in part by the issue of debentures or other forms of long term debt or is to be provided in whole or in part from the revenues of a future year until the approval of the council of The Corporation of the City of Ottawa has been obtained.

7.—(1) The Corporation shall deliver to the council of The Corporation of the City of Ottawa a copy of the financial statements for each fiscal year, prepared by the Corporation's auditors, together with the comments of the auditors thereon, forthwith after such financial statements have been approved by the Board.

Audited
financial
statements

(2) The council of The Corporation of the City of Ottawa shall appoint the auditor of the Corporation in the same manner as it appoints its own auditor.

Auditor

8. The Board may borrow money on the credit of the Corporation pending receipt of,

Borrowing

(a) operating revenues for its current fiscal year as estimated by the Corporation and approved by the council of The Corporation of the City of Ottawa under subsection 6 (1); and

(b) permanent funding of capital expenditures approved by the council of The Corporation of the City of Ottawa.

9. The Corporation may invest in such securities as are authorized by law for investment by trustees under the *Trustee Act*.

Investments
R.S.O. 1980,
c. 512

10. Subject to the provisions of the *Public Hospitals Act*, the Corporation may establish charges for hospital services.

Charges
R.S.O. 1980,
c. 410

11. The Corporation may receive by grant, gift, devise or otherwise any real or personal property for the purposes of the Corporation.

Property

12. All gifts, trusts, bequests, devises, and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the Directors of the County of Carleton General Protestant Hospital, to St. Luke's General Hospital, or to the Ottawa Maternity Hospital, respectively, shall, in so far as the same shall not have vested in possession or been carried into effect on the day this Act comes into force, in the absence of an expressed intention to the contrary, set out in such deed or will, be construed as though the same had been expressed to be made to the Corporation for the purposes of the Hospital and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Corporation whose receipt shall be a sufficient discharge thereof.

Gifts, etc.

Corporation
as trustee
of certain
trust

13. The Corporation shall continue to be trustee in the place and stead of The Corporation of the City of Ottawa for the purpose of administering certain moneys subscribed by the friends of the late Dr. Henry P. Wright and the Corporation is further empowered to hold and invest such moneys and to disburse the income therefrom annually in payment of scholarships or prizes to be awarded to nurses in training at the Hospital as a memorial to the late Dr. Henry P. Wright, in such form and manner as the Board may from time to time direct.

By-laws
R.S.O. 1980,
c. 410

14. Subject to the *Public Hospitals Act*, the Board may enact by-laws and regulations for the operation and management of the Hospital and any other hospital or similar institution established by the Corporation and for establishing the duties and responsibilities of the members of the Board, including, without limiting the generality of the foregoing, attendance requirements for meetings.

Ottawa Civic
Hospital
Corporation
dissolved

15. The letters patent of Ottawa Civic Hospital Corporation, issued the 26th day of June, 1979, are hereby revoked and the said Corporation is hereby dissolved and,

- (a) all its property, rights, privileges and powers are vested in the Corporation; and
- (b) all its liabilities, together with the benefits and burdens of all its contracts and covenants, are continued in and assumed by the Corporation.

Repeals

16. The following are repealed:

1. *The Ottawa Civic Hospital Act*, being chapter 122 of the Statutes of Ontario, 1919.
2. *An Act amending The Ottawa Civic Hospital Act*, being chapter 162 of the Statutes of Ontario, 1920.
3. *The Ottawa Civic Hospital Amendment Act, 1922*, being chapter 152.
4. *The Ottawa Civic Hospital Amendment Act, 1925*, being chapter 129.
5. *The Ottawa Civic Hospital Amendment Act, 1944*, being chapter 81.
6. *The Ottawa Civic Hospital Act, 1962-63*, being chapter 179.

7. Section 1 of *The City of Ottawa Act, 1978*, being chapter 134.
8. Section 5 of *The City of Ottawa Act, 1980*, being chapter 118.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. The short title of this Act is the *Ottawa Civic Hospital Act, 1983*. Short title

CHAPTER Pr39

An Act respecting the City of Sault Ste. Marie

Assented to December 16th, 1983

Whereas The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby represents that the Sault Ste. Marie Transportation Commission, herein called the Commission, was established by *The City of Sault Ste. Marie Act, 1957*, being chapter 154, as amended; that the council of the Corporation considers it to be in the best interests of the citizens of the City of Sault Ste. Marie that the functions of the Commission be placed under the control of the council of the Corporation and that all assets and liabilities of the Commission become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Sault Ste. Marie Transportation Commission is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the Commission and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

Commission dissolved

2.—(1) Upon the dissolution of the Commission, the employees thereof shall become employees of the Corporation and all terms and conditions of employment, including benefits, respecting such employees shall be assumed by the Corporation.

Employees transferred

(2) Without restricting the generality of subsection (1), a person who becomes an employee of the Corporation under subsection (1) is entitled to retain as service credits with the Corporation service credits with the Commission as of the date this Act comes into force for the purpose of establishing vacation entitlement, sick leave rights or benefits or pension benefits.

Service credits

Existing
collective
agreements

(3) Every person who is a part of a bargaining unit, as recognized by the existence of a collective agreement or agreements between the Commission and a union, shall be deemed to be employed by the Corporation on the date this Act comes into force pursuant to the terms and conditions of employment as set out in the collective agreement or agreements and the Corporation shall be bound by, and be deemed a party to, the collective agreement or agreements as of the date this Act comes into force.

Rights,
privileges
and duties of
Corporation
and union
R.S.O. 1980,
c. 228

(4) The Corporation and the union shall be deemed to have acquired the rights, privileges and duties of the Commission and the union, respectively, under the *Labour Relations Act* and the collective agreement or agreements between the Commission and the union.

By-laws, etc.,
continued

3. All by-laws, resolutions and rules of the Commission shall continue as by-laws, resolutions and rules of the Corporation until amended or repealed.

Repeals

4. The following are repealed:

1. *The City of Sault Ste. Marie Act, 1940*, being chapter 48.
2. Section 11 of *The City of Sault Ste. Marie Act, 1956*, being chapter 119.
3. *The City of Sault Ste. Marie Act, 1957*, being chapter 154.
4. *The City of Sault Ste. Marie Act, 1959*, being chapter 132.
5. *The City of Sault Ste. Marie Act, 1967*, being chapter 127.
6. Section 1 of *The City of Sault Ste. Marie Act, 1977*, being chapter 103.

Commence-
ment

5. This Act comes into force on the 1st day of January, 1984.

Short title

6. The short title of this Act is the *City of Sault Ste. Marie Act, 1983*.

CHAPTER Pr40

An Act respecting the Town of Harrow

Assented to December 16th, 1983

Whereas The Corporation of the Town of Harrow, herein called the Corporation, hereby represents that it was incorporated by a special Act of the Legislative Assembly of the Province of Ontario entitled *An Act to incorporate the Town of Harrow*, being chapter 83 of the Statutes of Ontario, 1930; that the said Act provided that the council of the Corporation shall consist of a mayor, a reeve and three councillors but did not provide for the office of a deputy reeve; that the council of the Corporation considers it advisable and expedient that the council be restructured so that it will be composed of a mayor, a reeve, a deputy reeve and two councillors; and whereas the Corporation further represents that the said Act is now obsolete and should be repealed; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Harrow is hereby continued as a town municipality.

Corporation continued

2.—(1) The council of the Corporation shall, until altered under the *Municipal Act*, be composed of a mayor, a reeve, a deputy reeve and two councillors to be elected by general vote.

Composition of council
R.S.O. 1980, c. 302

(2) Notwithstanding subsection (1), the council of the Corporation in office immediately before the coming into force of this Act is continued in office until the 30th day of November, 1985.

Existing council continued

(3) Forthwith after the coming into force of this Act, the council shall appoint, from among the councillors, the first deputy reeve of the Corporation and the person so appointed shall serve as deputy reeve until the 30th day of November, 1985.

First deputy reeve

3. Subject to section 2, the *Municipal Act* and all other public Acts applicable to towns apply to the Corporation as if

Application of other Acts

the Corporation had been incorporated under the *Municipal Act*.

Repeal

4. *An Act to incorporate the Town of Harrow*, being chapter 83 of the Statutes of Ontario, 1930, is repealed but the repeal of the said Act does not affect,

- (a) the boundaries of the Town of Harrow; or
- (b) the validity of any resolution, by-law, debenture, contract or action or any other right or obligation heretofore passed, made, entered into or incurred by the Corporation.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Town of Harrow Act, 1983*.

CHAPTER Pr41

An Act respecting the City of North York

Assented to December 16th, 1983

Whereas The Corporation of the City of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “municipal taxes” means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;
- (b) “owner” means a person assessed as the owner of residential real property and includes an owner within the meaning of the *Condominium Act*;
- (c) “personal residence” means the residence ordinarily inhabited by the owner.

R.S.O. 1980,
c. 84

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of North York a uniform credit or refund in an amount of \$150 per year against municipal taxes for the years 1984, 1985, 1986, 1987 and 1988, in respect of the residential real property, if the owner or the spouse of the owner, or both,

Tax credit
and refund
authorized

- (a) occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence;
- (b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;

- (c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and
- (d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(3) The following conditions apply to a credit or refund authorized under subsection (2):

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single-family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the *Ontario Pensioners Property Tax Assistance Act*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

R.S.O. 1980,
c. 352

Exception

(4) Notwithstanding paragraph 4 of subsection (3), where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

Additional
powers

(5) A by-law passed under subsection (2) may,

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to

whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause (2) (c); and

- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

(6) The amount of any credit or refund allowed from time to time under a by-law passed under subsection (2) shall, on registration in the appropriate land registry office of a notice of lien, be a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed. Lien

(7) The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except, Idem

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this section; or
- (b) by way of a mortgage or charge other than a sale or foreclosure under the mortgage or charge.

(8) Where a by-law passed under subsection (2) is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this section in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered and thereupon the lien in respect of the real property is discharged. Notice of
lien and
discharge
of lien

(9) A notice of lien under subsection (8) may be in Form 1 and a certificate of payment under that subsection may be in Form 2. Forms

(10) Where a credit or refund has been allowed under subsection 2 (1) of the *City of North York Act, 1981* and a notice of lien has been registered under that Act, credits and refunds Application
to liens under
1981, c. 98

may be allowed under subsection 1 (2) of this Act with respect to the real property described in the notice and,

- (a) the notice shall for the purpose of such a credit or refund be deemed to be a notice registered under subsection 1 (8); and
- (b) a certificate of payment given under subsection 1 (8) shall be deemed to have the effect of discharging the lien claimed in respect of the real property under this Act and under the *City of North York Act, 1981*.

1981, c. 98,
s. 4 (1),
re-enacted

2.—(1) Subsection 4 (1) of the *City of North York Act, 1981*, being chapter 98, is repealed and the following substituted therefor:

Lien

(1) The amount of any credit or refund allowed from time to time under a by-law passed under subsection 2 (1) shall, on registration in the appropriate land registry office of a notice of lien, be a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed.

s. 4 (4),
re-enacted

(2) Subsection 4 (4) of the said Act is repealed and the following substituted therefor:

Forms

(4) A notice of lien under subsection (3) may be in Form 1 of this Act and a certificate of payment under that subsection may be in Form 2 of the *City of North York Act, 1983*.

Form 2,
repealed

(3) Form 2 of the said Act is repealed.

Commence-
ment

3.—(1) This Act, except subsection 2 (1), comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 (1) shall be deemed to have come into force on the 26th day of June, 1981.

Short title

4. The short title of this Act is the *City of North York Act, 1983*.

FORM 1

City of North York Act, 1983

NOTICE OF LIEN

The Treasurer of The Corporation of the City of North York hereby gives notice that a credit or refund has been allowed under By-law No. of the said municipality made under section 1 of the *City of North York Act, 1983*.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of, as Parcel, in the register for Section, as more particularly set out below:

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the City of North York upon the above-mentioned real property in accordance with section 1 of the *City of North York Act, 1983*.

DATED at the City of North York, this day of, 19...

.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, The Corporation of the City of North York, 5100 Yonge Street, North York, Ontario M2N 5V7.

*Note: Delete the inappropriate paragraph.

FORM 2

City of North York Act, 1983

CERTIFICATE OF PAYMENT

The Treasurer of The Corporation of the City of North York hereby certifies as follows:

- *1. All amounts due to the said municipality under section 1 of the *City of North York Act, 1983*, have been paid in full.
- *2. All amounts due to the said municipality under section 4 of the *City of North York Act, 1981*, have been paid in full.

*In respect of land registered in the Land Registry Office for the Registry Division of as more particularly set out below:

or

*In respect of land registered in the Land Registry Office for the Land Titles Division of, as Parcel, in the register for Section, as more particularly set out below:

AND that the Lien, described in the Notice of Lien registered as Instrument No. is hereby discharged.

DATED at the City of North York, this day of, 19...

.....
Treasurer

*Note: Delete the inappropriate paragraphs.

CHAPTER Pr42

An Act to revive Teco Mines and Oils Limited

Assented to December 16th, 1983

Whereas John A. Nydegger hereby represents that Teco Mines and Oils Limited, herein called the Corporation, was incorporated by letters patent dated the 19th day of January, 1966; that the Minister of Consumer and Commercial Relations by order dated the 18th day of May, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 18th day of May, 1976; that the applicant was a director, vice-president and major shareholder of the common shares of the Corporation at the time of its dissolution; that notice of default in complying with the said provision of *The Securities Act*, was sent to John A. Nydegger, as a director, but was not received by him and the applicant did not become aware of the dissolution of the Corporation until a date approximately seven years after the date of dissolution; that application was not filed for revival of the Corporation within the time provided by the statute; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Teco Mines and Oils Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Teco Mines and Oils Limited Act, 1983*.

CHAPTER Pr43

An Act respecting the City of Owen Sound

Assented to December 16th, 1983

Whereas The Corporation of the City of Owen Sound, herein called the Corporation, hereby represents that the Corporation, by By-law 1455 passed on the 30th day of January, 1911, adopted the provisions of *The Public Parks Act*, being chapter 233 of the Revised Statutes of Ontario, 1897; that thereafter the general management, regulation and control of parks, avenues and boulevards in the City of Owen Sound was vested in and exercised by a board known as “The Board of Parks Management” herein called the Board; and whereas the council of the Corporation considers it to be in the best interest of the citizens of the City of Owen Sound that the Board be dissolved and the general management, regulation and control of parks, avenues and boulevards within the City become the sole responsibility of the council of the Corporation; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The Board of Parks Management of the Corporation is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the said Board and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

Board dissolved

2. All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed.

By-laws continued

3. Upon the dissolution of the Board, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Employees of Board

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Owen Sound Act, 1983*.

CHAPTER Pr44

An Act respecting the Hungarian Canadian Cultural Centre (Hungarian House)

Assented to December 16th, 1983

Whereas the Hungarian Canadian Cultural Centre (Hungarian House) herein called the Centre, hereby represents that it was incorporated by letters patent dated the 14th day of December, 1945; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre has a freehold interest in lands and premises known municipally as 834-840 St. Clair Avenue West, in the City of Toronto; that the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from taxation for municipal and school purposes except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,
- (a) “Centre” means the Hungarian Canadian Cultural Centre (Hungarian House);
- (b) “Corporation” means The Corporation of the City of Toronto;
- (c) “council” means the council of the Corporation.

Interpre-
tation

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Centre, being the lands and buildings known as 834-840 St. Clair Avenue West, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax
exemption

R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

Idem

(3) Without restricting the generality of subsection (2), an exemption granted under subsection (1) shall not apply to any portion of the Centre capable of being used as a self-contained residential unit.

Agreement
to repay
where lands
sold

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does not come into force unless the Centre enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of
agreement

(2) An agreement entered into under subsection (1) may provide that, if the Centre sells, leases or otherwise disposes of the exempted land and acquires other land in the City of Toronto which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of
exemption

(3) Where an agreement has been entered into under subsection (1) and the Centre sells, leases or otherwise disposes of the land and acquires other land in the City of Toronto which it occupies and uses solely for its purposes, the Corporation may by by-law transfer the tax exemption under section 2 to the substituted land.

Registration
of agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use its share of the taxes foregone, and shall reimburse The Municipality of Metropolitan Toronto, The Board of Education for the City of Toronto, The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Reimbursement
of other taxing
authorities

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

Repeal of
by-law

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. The short title of this Act is the *Hungarian Canadian Cultural Centre (Hungarian House) Act, 1983*.

Short title

SCHEDULE

That parcel of land situate in the City of Toronto, in The Municipality of Metropolitan Toronto and being composed of the whole of lots 33, 34 and 35 on the north side of St. Clair Avenue as shown on Plan M-427 filed in the land registry office for the Land Titles Division of Metropolitan Toronto (No. 66); all that part of Lot 32 on the said Plan lying to the west of the easterly 2 feet 6 inches of the said Lot 32; and all that part of Lot 36 on the said Plan lying to the east of the westerly 10 feet 3 3/4 inches of the said Lot 36.

Together with a right-of-way over and along the northerly 14 feet 10 inches of the easterly 2 feet 6 inches of Lot 32 and over and along the northerly 14 feet 10 inches of lots 31 and 30 on the said Plan, being appurtenant to all of Lot 33 and the easterly 9 feet 6 inches of Lot 34 and all that part of Lot 32 lying to the west of the easterly 2 feet 6 inches of the said Lot 32 all on the said Plan.

And together with a right-of-way for persons, animals and vehicles for all purposes over and along a strip of land described as follows:

Commencing at a point in the northerly limit of Lot 36, 10 feet 3 3/4 inches measured easterly along the said northerly limit from the northwest angle of Lot 36;

Thence southerly parallel with the westerly limit of Lot 36, 14 feet 10 inches;

Thence westerly parallel to St. Clair Avenue 39 feet and 3 3/4 inches;

Thence northerly parallel with the easterly limit of Lot 37 on the said Plan, 59 feet and 3 1/2 inches, more or less, to the southerly limit of Barrie Avenue;

Thence northeasterly along the southeasterly limit of Barrie Avenue and following the curve thereof to a line drawn parallel to the easterly limit of Lot 37 distant 9 feet westerly therefrom measured along the production westerly of the northerly limit of Lot 36;

Thence southerly along the said line 73 feet 7 1/2 inches more or less to the said production;

Thence easterly along the said production and the northerly limit of Lot 36, 19 feet 3 3/4 inches to the place of commencement being appurtenant to all that part of Lot 36 lying to the east of the west 10 feet 3 inches of the said Lot 36 and all of Lot 35 and all that part of Lot 34 lying to the west of the easterly 9 feet 6 inches of Lot 34 all on the said Plan.

CHAPTER Pr45

**An Act respecting the
Alex Manoogian Cultural Centre**

Assented to December 16th, 1983

Whereas the Armen-Ontario of Armenian General Benevolent Union Inc., hereby represents that it was incorporated by letters patent dated the 12th day of August, 1980; that it is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it has a freehold interest in lands and premises known municipally as 30 Progress Court in the City of Scarborough, in which it operates the Alex Manoogian Cultural Centre; and whereas Armen-Ontario hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it for purposes of the Alex Manoogian Cultural Centre in the City of Scarborough, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Armen-Ontario” means Armen-Ontario of Armenian General Benevolent Union Inc.;
- (b) “Corporation” means The Corporation of the City of Scarborough;
- (c) “council” means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in the *Assessment Act*, of Armen-Ontario, or a part of the land being the lands and buildings known as 30 Progress Court, as described in the Schedule, so long as the land or that part of the land that is exempted is occupied and used solely for the purpose of the Alex Manoogian Cultural Centre.

Tax
exemption

R.S.O. 1980,
c. 31

Idem	(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.
Limitation	(3) Without restricting the generality of subsection (2), an exemption granted under subsection (1) shall be effective only if the facilities or services of the Alex Manoogian Cultural Centre are available to the citizens of the City of Scarborough without discrimination and without the exclusion of any person or group of persons.
Agreement to repay where lands sold	3.— (1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does not come into force unless Armen-Ontario enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.
Transfer of agreement	(2) An agreement entered into under subsection (1) may provide that, if Armen-Ontario sells, leases or otherwise disposes of the exempted land and acquires other land in the City of Scarborough which it occupies and uses solely for the purposes of the Alex Manoogian Cultural Centre, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.
Transfer of exemption	(3) Where an agreement has been entered into under subsection (1) and Armen-Ontario sells, leases or otherwise disposes of the land and acquires other land in the City of Scarborough which it occupies and uses solely for the purposes of the Alex Manoogian Cultural Centre, the Corporation may by by-law transfer the tax exemption under section 2 to the substituted land.
Registration of agreement	(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.
Idem	(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement

under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone, and shall reimburse The Municipality of Metropolitan Toronto, The Board of Education for the City of Scarborough, The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Reimbursement
of other taxing
authorities

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

Repeal of
by-law

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. The short title of this Act is the *Alex Manoogian Cultural Centre Act, 1983*.

Short title

SCHEDULE

That parcel of land situate in the City of Scarborough, in The Municipality of Metropolitan Toronto, being composed of that part of Lot 18, Concession 2, of the City of Scarborough, now designated as Parts 2, 3 and 5 on Plan 64R-8200 filed in the Land Registry Office for the Registry Division of Toronto Boroughs (No.64).

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Cumulative Supplement

To the 31st day of December, 1983

This is a cumulative supplement to the Table of Private Acts published in Volume 9 of the Revised Statutes of Ontario, 1980. The cumulative supplement is arranged under the same headings as the Table that it supplements.

Many Private Acts listed in the Table to Volume 9 of the Revised Statutes of Ontario, 1980, were repealed by the Municipal Private Acts Repeal Act, 1983, being chapter 73.

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Designation - Fighting Island Rehabilitation.....	807/82	Dec.	25/82
Exemption -			
Corporation of the City of Hamilton - HAMI-C-1.....	257/83	May	21/83
Corporation of the City of Owen Sound - OWEN-C-1.....	680/82	Oct.	30/82
Corporation of the Improvement District of Dubreuilville - DUBR-ID-2.....	653/83	Oct.	29/83
Corporation of the Township of Chapleau - CHAP-TP-1.....	418/83	July	16/83
Corporation of the Township of Essa - Essa-TP-1.....	1/83	Jan.	22/83
Corporation of the Township of Sydenham - SYDE-TP-1.....	196/83	Apr.	16/83
County of Oxford -OXFO-CT-1.....	410/82	July	3/82
Credit Valley Conservation Authority - CDV-01.....	484/83	Aug.	20/83
Ganaraska Region Conservation Authority and the Corporation of the Town of Port Hope - PHOP-2.....	483/83	Aug.	20/83
Hamilton Region Conservation Authority - HMR - 01.....	468/82	July	24/82
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Ministry of Citizenship and Culture -MCC-1.....	279/82	May	15/82
Ministry of Energy - Energy-1.....	655/81	Oct.	17/81
Ministry of the Environment - MOE-21.....	659/81	Oct.	17/81
- MOE-22.....	762/81	Nov.	28/81

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- MOE-24.....	832/81	Jan.	2/82
- MOE-23.....	880/81	Jan.	16/82
- MOE-24/2.....	646/82	Oct.	16/82
- MOE-25.....	237/83	May	7/83
- MOE-26.....	664/83	Oct.	29/83
Ministry of Government Services			
- MGS-43.....	23/81	Feb.	14/81
- MGS-44.....	318/81	May	30/81
- MGS-45.....	430/81	July	11/81
- MGS-46.....	658/81	Oct.	17/81
- MGS-47.....	761/81	Nov.	28/81
- MGS-49.....	170/82	Apr.	3/82
- MGS-48.....	263/82	May	8/82
- MGS-50.....	780/82	Dec.	11/82
- MGS-51.....	781/82	Dec.	11/82
- MGS-52.....	14/83	Jan.	22/83
- MGS-53.....	366/83	July	9/83
Ministry of Natural Resources			
- MNR-33.....	164/81	Apr.	4/81
- MNR-11/3.....	284/81	May	23/81
- MNR-17/2.....	347/81	June	6/81
- MNR-35.....	373/81	June	20/81
- MNR-19/3.....	431/81	July	11/81
- MNR-34.....	433/81	July	11/81
- MNR-32/2.....	653/81	Oct.	17/81
- MNR-36.....	710/81	Nov.	7/81
- MNR-31/2.....	882/81	Jan.	16/82

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- MNR-19/4.....		883/81	Jan.	16/82
- MNR-37.....		194/82	Apr.	17/82
- MNR-11/4.....		261/82	May	8/82
- MNR-30/2.....		264/82	May	8/82
- MNR-39..... (revoked by 320/83)		467/82	July	24/82
- MNR-38.....		614/82	Oct.	2/82
- MNR-40.....		681/82	Oct.	30/82
- MNR-35/2.....		10/83	Jan.	22/83
- MNR-19/5.....		11/83	Jan.	22/83
- MNR-41.....		12/83	Jan.	22/83
- MNR-11/5.....		13/83	Jan.	22/83
- MNR-39/2.....		320/83	June	11/83
- MNR-30/3.....		348/83	June	25/83
- MNR-43.....		364/83	July	9/83
- MNR-11/6.....		417/83	July	16/83
- MNR-28/2.....		654/83	Oct.	29/83
- MNR-26/2.....		655/83	Oct.	29/83
- MNR-29/2.....		656/83	Oct.	29/83
- MNR-30/4.....		723/83	Dec.	3/83
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- MTC-37.....		115/81	Mar.	14/81
- MTC-38.....		191/81	Apr.	18/81
- MTC-39.....		257/81	May	16/81
- MTC-40.....		406/81	July	4/81
- MTC-42.....		465/81	July	25/81
- MTC-43.....		654/81	Oct.	17/81

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- MTC-41.....	657/81	Oct.	17/81
- MTC-44.....	660/81	Oct.	17/81
- MTC-45.....	735/81	Nov.	21/81
- MTC-47.....	736/81	Nov.	21/81
- MTC-46.....	737/81	Nov.	21/81
- MTC-48.....	739/81	Nov.	21/81
- MTC-50.....	16/83	Jan.	22/83
- MTC-51.....	148/83	Apr.	2/83
- MTC-52.....	707/83	Nov.	19/83
- MTC-53.....	809/83	Jan.	14/84
Municipality of Metropolitan Toronto			
- MERO-1.....	881/81	Jan	16/82
- MERO-1/2.....	215/83	Apr.	30/83
Ontario Energy Corporation			
- OEC-2/2.....	656/81	Oct.	17/81
- OEC-5.....	884/81	Jan.	16/82
Ontario Hydro			
- OH-23/2.....	875/81	Jan.	16/82
- OH-25.....	169/82	Apr.	3/82
- OH-26.....	539/82	Aug.	21/82
- OH-26/2.....	682/82	Oct.	30/82
- OH-27.....	2/83	Jan.	22/83
- OH-28.....	342/83	June	25/83
Ontario Northland Transportation Commission			
- MNA-4.....	285/81	May	23/81
- MNA-5.....	106/82	Mar.	13/82
- MNA-6.....	107/82	Mar.	13/82
- MNA-7.....	54/83	Feb.	5/83
St. Clair College of Applied Arts and Technology - MCU-2.....	19/81	Feb.	7/81

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- CA-SLS-1.....	379/81	June	20/81
- SLS-02.....	341/83	June	25/83
- SLS-03.....	340/83	June	25/83
The Corporation of the City of Oshawa - OSH-1.....	163/81	Apr.	4/81
The Corporation of the Improvement District of Dubreuilville - DUBR-1D-1.....	3/83	Jan.	22/83
The Corporation of the Town of Kapuskasing - MUN-TWN-KAP-1.....	367/83	July	9/83
The Corporation of the Town of Port Hope - PHOP-T-1.....	788/81	Dec.	5/81
The Corporation of the Township of Adelaide - ADEL-TP-1.....	776/82	Dec.	11/82
The Corporation of the City of Brockville - BROC-C-2.....	779/82	Dec.	11/82
The City of Toronto			
- TOR-2.....	256/81	May	16/81
- TOR-2/1.....	647/82	Oct.	16/82
- TOR-3.....	15/83	Jan.	22/83
The City of Toronto and The City of Toronto Non-Profit Housing Corporation			
- TOR-1.....	126/81	Mar.	28/81
- TOR-3.....	434/81	July	11/81
The Corporation of the Village of Drayton			
- DRAY-V-1.....	810/83	Jan.	14/84
The Metropolitan Toronto Housing Company Limited - METR-M-1.....	50/82	Feb.	20/82
Toronto Area Transit Operating Authority - MTC-49.....	532/82	Aug.	21/82
Township of Huron - HUR-1.....	407/81	July	4/81
Township of Kingston - MUN-1.....	123/81	Mar.	21/81
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amended.....		383/81	June	20/81
amended.....		841/81	Jan.	2/82
amended.....		140/82	Mar.	27/82
amended.....		466/82	July	24/82
amended.....		775/82	Dec.	11/82
amended.....		414/83	July	16/83
amended.....		783/83	Dec.	31/83
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Discharge of Sewage From Pleasure Boats.....	305	-		
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amended.....		172/83	Apr.	9/83
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Lambton Industry Meteorological Alert.....		151/81	Apr.	4/81
Malvern Waste.....		711/83	Nov.	19/83
Marinas.....	310	-		
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Ontario Hydro.....		73/81	Mar.	7/81
(revoked by 7/82)				
Ontario Hydro.....		7/82	Jan.	30/82
Sewage Systems.....		429/81	July	11/81
(revoked by 374/81)				
Sewage Systems.....		374/81	June	20/81
amended.....		842/81	Jan.	2/82
amended.....		139/82	Mar.	27/82
amended.....		515/82	Aug.	14/82
amended.....		290/83	May	28/83
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Assignment of Powers and Duties Minister of Industry and Trade Development.....		135/82	Mar.	20/82
Assignment of Powers and Duties Minister of Tourism and Recreation.....		136/82	Mar.	20/82
Assignment of Powers and Duties Minister of Intergovernmental Affairs.....		400/82	June	26/82

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Assignment of Powers and Duties Minister of Community and Social Services.....		660/83	Oct. 29/83
Assignment of Powers and Duties Minister of Health.....		671/83	Nov. 5/83
Transfer of Administration of Act..... <u>Partnerships Act</u> transferred from Attorney General to Minister of Consumer and Commercial Relations		56/81	Feb. 21/81
Transfer of Administration of Act..... Administration of sections 161 and 162 of the <u>Mining Act</u> transferred to the Minister of Natural Resources		57/81	Feb. 21/81
Transfer of Administration of Act..... <u>Municipal Conflict of Interest Act</u> transferred from Attorney General to Ministry of Intergovernmental Affairs		150/81	Apr. 4/81
Transfer of Administration..... Administration and Control of the Council (Conseil des Affaires Franco-Ontariennes) transferred to the Minister of Intergovernmental Affairs		620/81	Oct. 10/81
Transfer of Administration of Act..... <u>Metropolitan Police Force Complaints Project Act, 1981</u> transferred from Solicitor General to Attorney General		133/82	Mar. 20/82
Transfer of Administration of Acts..... <u>Building Code Act</u> and part of <u>Ontario Water Resources Act</u> transferred from Minister of Consumer and Commercial Relations to Minister of Municipal Affairs and Housing		82/83	Feb. 19/83
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amended.....		273/81	May	16/81
amended.....		483/81	Aug.	1/81
amended.....		634/81	Oct.	17/81
amended.....		700/81	Nov.	7/81
amended.....		721/81	Nov.	14/81
amended.....		71/82	Feb.	20/82
amended.....		121/82	Mar.	20/82
amended.....		314/82	May	22/82
amended.....		404/82	June	26/82
amended.....		424/82	July	3/82
amended.....		459/82	July	17/82
amended.....		551/82	Aug.	21/82
amended.....		654/82	Oct.	16/82
amended.....		721/82	Nov.	13/82
amended.....		727/82	Nov.	13/82
amended.....		847/82	Jan.	8/83
amended.....		73/83	Feb.	12/83
amended.....		276/83	May	21/83
amended.....		360/83	July	9/83
amended.....		462/83	Aug.	6/83
amended.....		480/83	Aug.	13/83
amended.....		557/83	Sept.	17/83
amended.....		690/83	Nov.	12/83
amended.....		700/83	Nov.	19/83
amended.....		784/83	Jan.	7/84
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amended.....		596/83	Oct.	15/83
amended.....		750/83	Dec.	17/83
amended.....		793/83	Jan.	7/84
Corn - 1981 Crop Year (Base prices, etc.).....		36/83	Feb.	5/83
Corn Stabilization, 1977 - Plan..... (this Reg. amends O.Reg. 365/78)		293/81	May	23/81

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Corn Stabilization, 1979-1981 - Plan.....	320			
amended.....		294/81	May	23/81
(revoked by 669/82)				
Corn Stabilization, 1982 - 1984 - Plan.....		669/82	Oct.	23/82
amended.....		598/83	Oct.	15/83
amended.....		749/83	Dec.	17/83
amended.....		791/83	Jan.	7/84
Enrolment in Plans and Transfer of Credits.....		292/81	May	23/81
Soybeans - 1981 Crop Year (Base prices, etc.).....		35/83	Feb.	5/83
Soybean Stabilization, 1979-1981 - Plan.....	321	-		
amended.....		295/81	May	23/81
(revoked by 672/82)				
Soybean Stabilization, 1982 - 1984 - Plan....		672/82	Oct.	23/82
amended.....		597/83	Oct.	15/83
amended.....		748/83	Dec.	17/83
amended.....		792/83	Jan.	7/84
Weaner Pig Stabilization, 1980-1985 - Plan...	322	-		
amended.....		460/82	July	17/82
amended.....		792/82	Dec.	18/82
amended.....		132/83	Mar.	26/83
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amended.....		296/81	May	23/81
(revoked by 670/82)				
White Bean Stabilization, 1982 - 1984 - Plan.		670/82	Oct.	23/82
amended.....		599/83	Oct.	15/83
amended.....		752/83	Dec.	17/83
Winter Wheat Stabilization, 1979-1981 - Plan.	324	-		
amended.....		297/81	May	23/81
(revoked by 671/82)				
Winter Wheat Stabilization, 1982-1984 - Plan.		671/82	Oct.	23/82
amended.....		600/83	Oct.	15/83
amended.....		751/83	Dec.	17/83
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Fruit and Vegetables.....	325	-		
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amended.....		659/83	Oct. 29/83
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amended.....		765/81	Dec. 5/81
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amended.....		764/81	Dec. 5/81
amended.....		114/83	Mar. 19/83
amended.....		702/83	Nov. 19/83
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amended.....		766/81	Dec. 5/81
Poultry.....	335	-	
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Honey.....	337	-	
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Honey.....		399/82	June 26/82
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Maple Products.....	339	-	
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Apples -			
Plan.....	340	-	
amended.....		490/82	Aug. 7/82
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amended.....		331/82	June 5/82
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amended.....		569/81	Sept.	12/81
amended.....		173/82	Apr.	10/82
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amended.....		665/82	Oct.	23/82
Marketing.....	346	-		
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Plan.....		429/83	July	16/83
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amended.....		366/82	June	12/82
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amended.....		570/81	Sept.	12/81
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amended.....		430/83	July	16/83
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amended.....		610/81	Oct.	3/81
amended.....		687/81	Oct.	31/81
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amended.....		526/81	Aug.	22/81
amended.....		419/83	July	16/83
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Marketing.....	385			
amended.....		325/81	May	30/81
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Plan.....	387			
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amended.....		115/82	Mar.	13/82
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amended.....		491/82	Aug.	7/82
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amended.....		525/82	Aug.	21/82
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Restricted Fire Zone..... (expired)		287/82	May	15/82
Restricted Fire Zone..... (expired)		227/83	May	7/83
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amended.....		381/83	July	9/83
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amended.....		426/83	July	16/83
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amended.....		560/83	Sept.	17/83
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GAME AND FISH ACT				
Amphibians.....		470/81	Aug.	1/81
Animals Declared to be Fur-Bearing Animals.....	401	-		
amended.....		692/81	Nov.	7/81
Aylmer Hunting Area.....		29/81	Feb.	14/81
Aylmer Lagoon Hunting Area.....	402	-		
Bag Limit for Black Bear.....	403			
Bobwhite Quail, Wild Turkey and Pheasant - Propagation and Sale.....	404	-		
amended.....		446/81	July	18/81
Bows and Arrows.....	405	-		
Bullfrogs.....	406	-		
amended.....		565/81	Sept.	12/81
(revoked by 694/81)				
Bullfrogs.....		694/81	Nov.	7/81
Calton Swamp Hunting Area.....		30/81	Feb.	14/81
Camden Lake Hunting Area.....	407	-		
Copeland Forest Hunting Area.....	408	-		
(revoked by 693/81)				
Copeland Forest Hunting Area.....		693/81	Nov.	7/81
amended.....		563/83	Sept.	24/83
Crown Game Preserves.....	409	-		
amended.....		27/82	Feb.	13/82
Discharge of Fire-Arms From or Across Highways and Roads.....	410	-		
amended.....		113/81	Mar.	14/81
amended.....		388/81	June	27/81
Discharge of Fire-Arms on Sunday.....	411	-		
Fingal Hunting Area.....		28/81	Feb.	14/81
Fire-Arms - Aulneau Peninsula.....	412	-		
amended.....		428/82	July	3/82

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Fishing Huts.....	413	-		
amended.....		753/81	Nov.	28/81
amended.....		24/82	Feb.	13/82
Fishing Licences.....	414	-		
amended.....		218/81	Apr.	25/81
amended.....		647/81	Oct.	17/81
amended.....		835/81	Jan.	2/82
amended.....		629/82	Oct.	9/82
amended.....		645/83	Oct.	29/83
Furs.....	415	-		
amended.....		154/81	Apr.	4/81
amended.....		857/81	Jan.	9/82
amended.....		203/82	Apr.	24/82
amended.....		627/82	Oct.	9/82
amended.....		621/83	Oct.	15/83
Fur Harvest, Fur Management and Conservation Course.....		154/82	Apr.	3/82
Game Bird Hunting Preserves.....	416	-		
amended.....		447/81	July	18/81
Guides.....	417	-		
amended.....		500/81	Aug.	15/81
Horwood Lake Hunting Area.....		26/81	Feb.	14/81
amended.....		124/82	Mar.	20/82
amended.....		497/82	Aug.	7/82
(revoked by 128/83)				
Horwood Lake Hunting Area (Revoking Reg.)...		128/83	Mar.	26/83
Hullett Hunting Area.....		628/82	Oct.	9/82
amended.....		594/83	Oct.	15/83
Hunter Safety Training Course.....	418	-		
Hunting in Lake Superior Provincial Park....	419	-		
amended.....		125/82	Mar.	20/82
amended.....		130/83	Mar.	26/83
Hunting Licences.....	420	-		
amended.....		217/81	Apr.	25/81
amended.....		502/81	Aug.	15/81
amended.....		187/82	Apr.	10/82
amended.....		397/82	June	26/82
amended.....		499/82	Aug.	7/82
amended.....		683/82	Oct.	30/82
amended.....		127/83	Mar.	26/83

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amended.....		138/83	Mar.	26/83
amended.....		155/83	Apr.	2/83
amended.....		376/83	July	9/83
amended.....		492/83	Aug.	20/83
Hunting on Crown Lands in the geographic Townships of Bruton and Clyde.....	421	-		
amended.....		247/83	May	14/83
Hunting on Designated Crown Land and in Provincial Parks.....	422	-		
amended.....		127/82	Mar.	20/82
amended.....		347/83	June	25/83
amended.....		681/83	Nov.	12/83
Lake St. Lawrence Hunting Area.....	423	-		
Licence to Chase Raccoon at Night and Fox, Coyote or Wolf During the Day.....		233/82	May	1/82
Licence to Possess Nets.....	424	-		
Luther Marsh Hunting Area.....	425	-		
Navy Island Hunting Area.....		645/81	Oct.	17/81
amended.....		156/83	Apr.	02/83
Opasatika Hunting Area.....		27/81	Feb.	14/81
amended.....		126/82	Mar.	20/82
amended.....		496/82	Aug.	7/82
(revoked by 129/83)				
Opasatika Hunting Area (revoking Reg.).....		129/83	Mar.	26/83
Open Seasons -				
Black Bear.....	426	-		
amended.....		339/82	June	12/82
amended.....		493/83	Aug.	20/83
Fur-Bearing Animals.....	427	-		
amended.....		671/81	Oct.	24/81
amended.....		146/83	Apr.	2/83
amended.....		306/83	June	4/83
Game Birds.....		501/81	Aug.	15/81
amended.....		156/82	Apr.	3/82
amended.....		192/83	Apr.	16/83
Moose and Deer.....	428	-		
amended.....		471/81	Aug.	1/81
amended.....		591/81	Sept.	19/81
amended.....		644/81	Oct.	17/81
amended.....		157/82	Apr.	3/82

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amended.....		297/82	May	22/82
amended.....		498/82	Aug.	7/82
amended.....		684/82	Oct.	30/82
amended.....		137/83	Mar.	26/83
amended.....		219/83	Apr.	30/83
amended.....		331/83	June	18/83
amended.....		494/83	Aug.	20/83
Rabbits and Squirrels.....		421/81	July	11/81
amended.....		171/82	Apr.	3/82
amended.....		150/83	Apr.	2/83
Orangeville Reservoir Hunting Area.....	429	-		
amended.....		595/83	Oct.	15/83
Permit to Export Game.....	430	-		
Petroglyphs Provincial Park Hunting Area....		646/81	Oct.	17/81
Polar Bears.....	431	-		
Possession and Use of Fire-Arms in Darlington Provincial Park.....	432	-		
Sale of Bass and Trout and Fishing Preserves	433	-		
Snares.....		156/81	Apr.	4/81
Stag Island Hunting Area.....	434	-		
Tiny Marsh Hunting Area.....	435	-		
Trap-Line Areas.....	436	-		
amended.....		338/82	June	12/82
Traps.....		673/82	Oct.	23/82
amended.....		377/83	July	9/83
Traps - Order under Subsection 30(4) of the Act.....		155/81	Apr.	4/81
Waters Set Apart - Frogs.....	437	-		
Wildlife Management Units.....		155/82	Apr.	3/82
amended.....		685/82	Oct.	30/82
Wolves and Black Bears in Captivity.....	438	-		
GASOLINE HANDLING ACT				
Gasoline Handling Code.....	439	-		
amended.....		136/81	Mar.	28/81

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amended.....		436/82	July	10/82
amended.....		561/83	Sept.	17/83
GASOLINE TAX ACT				
General.....	440	-		
amended.....		179/81	Apr.	11/81
amended.....		547/81	Sept.	5/81
amended.....		626/81	Oct.	10/81
amended.....		37/82	Feb.	13/82
amended.....		246/82	May	1/82
amended.....		269/82	May	8/82
amended.....		386/83	July	9/83
amended.....		509/83	July	27/83
amended.....		603/83	Oct.	15/83
Taxable Prices and Tax on Gasoline and Aviation Fuel.....				
amended.....		441/81	July	11/81
amended.....		631/81	Oct.	10/81
amended.....		872/81	Jan.	16/82
amended.....		184/82	Apr.	10/82
amended.....		449/82	July	17/82
amended.....		639/82	Oct.	16/82
amended.....		842/82	Jan.	8/83
amended.....		186/83	Apr.	16/83
amended.....		412/83	July	16/83
amended.....		632/83	Oct.	15/83
amended.....		806/83	Jan.	14/84
GENERAL SESSIONS ACT				
Sittings of the General Sessions of the Peace for the Judicial District of Haldimand.....				
(expired)		11/81	Jan.	31/81
Sittings of the General Sessions of the Peace for the County of Peterborough. (expired)				
		340/81	June	6/81
Sittings of the General Sessions of the Peace for the Judicial District of Peel.....				
(expired)		341/81	June	6/81
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario.....				
(expired)		853/81	Jan.	9/82
Sittings of the General Sessions of the Peace for the District of Muskoka.....				
(expired)		385/82	June	19/82

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Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		386/82	June	19/82
Sittings of the General Sessions of the Peace for the County of Peterborough..... (expired)		423/82	July	3/82
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario..... (expired)		828/82	Jan.	8/83
Sittings of the General Sessions of the Peace for the Judicial District of Hamilton-Wentworth..... (expired)		27/83	Jan.	29/83
Sittings of the General Sessions of the Peace for the District of Kenora..... (expired)		174/83	Apr.	16/83
Sittings of the General Sessions of the Peace for the Judicial District of York..... (expired)		338/83	June	25/83
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		339/83	June	25/83
Sittings of the General Sessions of the Peace for the District of Parry Sound..... (expired)		433/83	July	23/83
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		434/83	July	23/83
Sittings of the General Sessions of the Peace for the Districts and Counties of Ontario.....		764/83	Dec.	24/83
GENERAL WELFARE ASSISTANCE ACT				
Civil Legal Aid.....		829/82	Jan.	8/83
General.....	441	-		
amended.....		48/81	Feb.	21/81
amended.....		186/81	Apr.	11/81
amended.....		270/81	May	16/81
amended.....		480/81	Aug.	1/81
amended.....		697/81	Nov.	7/81

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amended.....	722/81		Nov.	14/81
amended.....	68/82		Feb.	20/82
amended.....	312/82		May	22/82
amended.....	456/82		July	17/82
amended.....	548/82		Aug.	21/82
amended.....	655/82		Oct.	16/82
amended.....	656/82		Oct.	16/82
amended.....	722/82		Nov.	13/82
amended.....	728/82		Nov.	13/82
amended.....	786/82		Dec.	18/82
amended.....	69/83		Feb.	12/83
amended.....	277/83		May	21/83
amended.....	361/83		July	9/83
amended.....	463/83		Aug.	6/83
amended.....	558/83		Sept.	17/83
amended.....	649/83		Oct.	29/83
amended.....	657/83		Oct.	29/83
amended.....	691/83		Nov.	12/83
amended.....	698/83		Nov.	19/83
amended.....	785/83		Jan.	7/84
Indian Bands.....	442			
amended.....		122/82	Mar.	20/82
amended.....		572/82	Sept.	11/82
GRAIN ELEVATOR STORAGE ACT				
General.....	443	-		
GUARANTEE COMPANIES SECURITIES ACT				
Approved Guarantee Companies.....	444	-		
amended.....		21/81	Feb.	14/81
amended.....		106/81	Mar.	14/81
amended.....		107/81	Mar.	14/81
amended.....		568/81	Sept.	12/81
amended.....		759/81	Nov.	28/81
amended.....		562/83	Sept.	17/83

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HEALTH DISCIPLINES ACT				
Child Resistant Packages.....	445	-		
Dental Hygienists.....	446	-		
Dentistry.....	447	-		
amended.....		71/81	Mar.	7/81
amended.....		194/81	Apr.	18/81
amended.....		504/81	Aug.	15/81
amended.....		720/83	Dec.	3/83
Medicine.....	448	-		
amended.....		205/82	Apr.	24/82
amended.....		823/82	Jan.	1/83
amended.....		851/82	Jan.	15/83
amended.....		112/83	Mar.	19/83
Nursing.....	449			
amended.....		506/81	Aug.	15/81
amended.....		665/81	Oct.	24/81
amended.....		355/82	June	12/82
amended.....		588/83	Oct.	1/83
Optometry.....	450	-		
amended.....		478/82	July	31/82
Parcost C.D.I.		18/81	Feb.	7/81
amended.....		44/81	Feb.	21/81
amended.....		210/81	Apr.	25/81
(revoked by 413/81)				
Parcost C.D.I.		413/81	July	4/81
amended.....		640/81	Oct.	17/81
(revoked by 829/81)				
Parcost C.D.I.		829/81	Dec.	26/81
(revoked by 425/82)				
Parcost C.D.I.....		425/82	July	3/82
amended.....		613/82	Sept.	25/82
(revoked by 836/82)				
Parcost C.D.I.		836/82	Jan.	8/83
amended.....		103/83	Mar.	12/83
(revoked by 427/83)				

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Parcost C.D.I.....		427/83	July	16/83
Pharmacy.....	451			
amended.....		505/81	Aug.	15/81
amended.....		356/82	June	12/82
amended.....		835/82	Jan.	8/83
HEALTH INSURANCE ACT				
General.....	452			
amended.....		36/81	Feb.	14/81
amended.....		37/81	Feb.	14/81
amended.....		38/81	Feb.	14/81
amended.....		61/81	Feb.	28/81
amended.....		120/81	Mar.	21/81
amended.....		121/81	Mar.	21/81
amended.....		122/81	Mar.	21/81
amended.....		139/81	Mar.	28/81
amended.....		168/81	Apr.	11/81
amended.....		231/81	May	2/81
amended.....		232/81	May	2/81
amended.....		253/81	May	16/81
amended.....		254/81	May	16/81
amended.....		298/81	May	23/81
amended.....		331/81	June	6/81
amended.....		332/81	June	6/81
amended.....		363/81	June	20/81
amended.....		395/81	June	27/81
amended.....		423/81	July	11/81
amended.....		459/81	July	25/81
amended.....		478/81	Aug.	1/81
amended.....		479/81	Aug.	1/81
amended.....		525/81	Aug.	22/81
amended.....		576/81	Sept.	12/81
amended.....		581/81	Sept.	12/81
amended.....		642/81	Oct.	17/81
amended.....		685/81	Oct.	31/81
amended.....		742/81	Nov.	21/81
amended.....		743/81	Nov.	21/81
amended.....		751/81	Nov.	28/81
amended.....		794/81	Dec.	12/81
amended.....		810/81	Dec.	19/81
amended.....		12/82	Jan.	30/82
amended.....		53/82	Feb.	20/82
amended.....		82/82	Mar.	6/82
amended.....		83/82	Mar.	6/82
amended.....		235/82	May	1/82
amended.....		256/82	May	1/82
amended.....		260/82	May	8/82
amended.....		293/82	May	22/82
amended.....		294/82	May	22/82

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amended.....	295/82		May	22/82
amended.....	335/82		June	5/82
amended.....	336/82		June	12/82
amended.....	337/82		June	12/82
amended.....	393/82		June	26/82
amended.....	412/82		July	3/82
amended.....	430/82		July	10/82
amended.....	431/82		July	10/82
amended.....	489/82		Aug.	7/82
amended.....	527/82		Aug.	21/82
amended.....	528/82		Aug.	21/82
amended.....	529/82		Aug.	21/82
amended.....	564/82		Sept.	4/82
amended.....	609/82		Sept.	25/82
amended.....	633/82		Oct.	9/82
amended.....	716/82		Nov.	13/82
amended.....	717/82		Nov.	13/82
amended.....	733/82		Nov.	20/82
amended.....	833/82		Jan.	8/83
amended.....	834/82		Jan.	8/83
amended.....	77/83		Feb.	19/83
amended.....	94/83		Feb.	26/83
amended.....	122/83		Mar.	26/83
amended.....	161/83		Apr.	9/83
amended.....	197/83		Apr.	16/83
amended.....	233/83		May	7/83
amended.....	242/83		May	14/83
amended.....	259/83		May	21/83
amended.....	281/83		May	28/83
amended.....	282/83		May	28/83
amended.....	285/83		May	28/83
amended.....	368/83		July	9/83
amended.....	458/83		Aug.	6/83
amended.....	460/83		Aug.	6/83
amended.....	497/83		Aug.	27/83
amended.....	540/83		Sept.	10/83
amended.....	651/83		Oct.	29/83
amended.....	704/83		Nov.	19/83
amended.....	721/83		Dec.	3/83
amended.....	789/83		Jan.	7/84
amended.....	808/83		Jan.	14/84

HIGHWAY TRAFFIC ACT

Allowable Gross Weight for Designated Class of Vehicle.....	453	-		
Appeals.....	454	-		
amended.....		117/81	Mar.	14/81
Covering of Loads.....	455	-		
Dangerous Loads.....	456			

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Demerit Point System..... (revoked by 359/81)	457	-		
Demerit Point System.....		359/81	June	20/81
amended.....		360/81	June	20/81
amended.....		202/82	Apr.	24/82
amended.....		599/82	Sept.	18/82
Designation of Highways.....	458	-		
Designation of Termination Date of Freeze-Up Periods under Subsection 102(2) of the Act.. (expired)		116/81	Mar.	14/81
Designation of Paved Shoulders on King's Highway.....	459			
amended.....		16/81	Feb.	7/81
Driver Improvement Program.....	460			
Driver Licence Examinations.....	461	-		
amended.....		729/82	Nov.	20/82
Drivers' Licences.....	462	-		
amended.....		118/81	Mar.	14/81
amended.....		250/81	May	16/81
amended.....		361/81	June	20/81
amended.....		370/81	June	20/81
amended.....		371/81	June	20/81
amended.....		325/82	May	29/82
amended.....		357/82	June	12/82
amended.....		359/82	June	12/82
amended.....		543/82	Aug.	21/82
amended.....		597/82	Sept.	18/82
amended.....		743/82	Nov.	27/82
Driver's Licence Suspension for Default of Payment of Fine.....	463	-		
Driving Instructor's Licence.....	464			
amended.....		362/81	June	20/81
Equipment.....	465	-		
Exemption from the Provisions of Section 7 of the Act - State of Florida.....		741/83	Dec.	17/83
Exemption from the Provisions of Section 7 of the Act - State of Georgia.....		689/83	Nov.	12/83

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Exemption from the Provisions of Section 7 of the Act - State of Louisiana.....		740/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Maryland.....		743/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Mississippi.....		686/83	Nov. 12/83
Exemption from the Provisions of Section 7 of the Act - State of Missouri.....		687/83	Nov. 12/83
Exemption from the Provisions of Section 7 of the Act - State of North Carolina.....		688/83	Nov. 12/83
Exemption from the Provisions of Section 7 of the Act - State of South Carolina.....		739/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Tennessee.....		425/83	July 16/83
Exemption from the Provisions of Section 7 of the Act - State of Tennessee.....		742/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of West Virginia.....		646/83	Oct. 29/83
Exemption from the Provisions of Sections 7 and 10 of the Act - States of the United States of America.... amended..... amended.....	466	- 643/81 415/82	Oct. 17/81 July 3/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Illinois.....		661/82	Oct. 23/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Maryland.....		658/82	Oct. 23/82

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Exemption from the Provisions of Sections 7 and 10 of the Act - State of Michigan.....		678/81	Oct.	31/81
Exemption from the Provisions of Sections 7 and 10 of the Act - State of South Dakota.....		660/82	Oct.	23/82
Exemption from the Provisions of Subsection 68(1) of the Act - Province of Alberta.....	467	-		
Exemption from the Provisions of Subsection 68(1) of the Act - State of New York.....		121/83	Mar.	19/83
Extending Validity of Driver's Licence..... (revoked by 549/81)		473/81	Aug.	1/81
Extending Validity of Driver's Licence..... (expired)		549/81	Sept.	5/81
Extending Validity of Motor Vehicle Permits. (expired)		843/81	Jan.	2/82
Garage Licences.....	468	-		
amended.....		46/81	Feb.	21/81
amended.....		204/81	Apr.	18/81
amended.....		659/82	Oct.	23/82
General.....	469	-		
amended.....		45/81	Feb.	21/81
amended.....		95/81	Mar.	14/81
amended.....		193/81	Apr.	18/81
amended.....		248/81	May	16/81
amended.....		337/81	June	6/81
amended.....		460/81	July	25/81
amended.....		461/81	July	25/81
amended.....		664/81	Oct.	24/81
amended.....		791/81	Dec.	12/81
amended.....		792/81	Dec.	12/81
amended.....		801/81	Dec.	12/81
amended.....		358/82	June	12/82
amended.....		477/82	July	31/82
amended.....		542/82	Aug.	21/82
amended.....		744/82	Nov.	27/82
Gross Vehicle Weights.....	470	-		
Gross Weight on Bridges.....	471	-		

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Gross Weight on the Kaministikwia River Bridge.....		524/83	Sept. 3/83
Gross Weight on the Trout Lake River Bridge. (revoked by 390/82)		300/82	May 22/82
Gross Weight on the Trout Lake River Bridge (revoking Reg.).....		390/82	June 19/82
Highway Closings.....	472	-	
Load Limits.....		98/81	Mar. 14/81
amended.....		99/81	Mar. 14/81
Load Limits on Local Roads Within Local Roads Areas.....	473		
amended.....		100/81	Mar. 14/81
Motor Vehicle Inspection Stations.....	474	-	
amended.....		508/81	Aug. 15/81
amended.....		60/82	Feb. 20/82
Notice to Have Motor Vehicle Examined and Tested.....	475	-	
(revoked by 61/82)			
Notice to have Motor Vehicle Examined and Tested.....		61/82	Feb. 20/82
amended.....		350/83	June 25/83
Over-Dimensional Farm Vehicles.....	476	-	
Parking.....	477	-	
amended.....		13/81	Feb. 7/81
amended.....		62/81	Feb. 28/81
amended.....		110/81	Mar. 14/81
amended.....		199/81	Apr. 18/81
amended.....		213/81	Apr. 25/81
amended.....		339/81	June 6/81
amended.....		445/81	July 18/81
amended.....		455/81	July 25/81
amended.....		529/81	Aug. 29/81
amended.....		661/81	Oct. 17/81
amended.....		717/81	Nov. 7/81
amended.....		790/81	Dec. 12/81
amended.....		803/81	Dec. 19/81
amended.....		856/81	Jan. 9/82
amended.....		14/82	Feb. 6/82
amended.....		123/82	Mar. 20/82
amended.....		228/82	May 1/82
amended.....		318/82	May 29/82

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amended.....		396/82	June	26/82
amended.....		502/82	Aug.	7/82
amended.....		644/82	Oct.	16/82
amended.....		801/82	Dec.	25/82
amended.....		31/83	Feb.	5/83
amended.....		131/83	Mar.	26/83
amended.....		189/83	Apr.	16/83
amended.....		228/83	May	7/83
amended.....		400/83	July	16/83
amended.....		457/83	Aug.	6/83
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amended.....		17/82	Feb.	6/82
amended.....		804/83	Jan.	7/84
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amended.....		800/81	Dec.	12/81
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amended.....		59/82	Feb.	20/82
amended.....		544/82	Aug.	21/82
amended.....		596/82	Sept.	18/82
amended.....		742/82	Nov.	27/82
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amended.....		277/81	May	23/81
amended.....		598/82	Sept.	18/82
amended.....		19/83	Jan.	29/83
amended.....		336/83	June	18/83
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amended.....		545/82	Aug.	21/82
amended.....		629/83	Oct.	15/83
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amended.....		372/81	June	20/81
amended.....		802/81	Dec.	12/81

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amended.....		600/82	Sept.	18/82
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amended.....		67/81	Mar.	7/81
amended.....		109/81	Mar.	14/81
amended.....		176/81	Apr.	11/81
amended.....		200/81	Apr.	18/81
amended.....		338/81	June	6/81
amended.....		453/81	July	18/81
amended.....		534/81	Aug.	29/81
amended.....		573/81	Sept.	12/81
amended.....		592/81	Sept.	19/81
amended.....		696/81	Nov.	7/81
amended.....		708/81	Nov.	7/81
amended.....		19/82	Feb.	6/82
amended.....		21/82	Feb.	6/82
amended.....		137/82	Mar.	20/82
amended.....		227/82	May	1/82
amended.....		321/82	May	29/82
amended.....		344/82	June	12/82
amended.....		365/82	June	12/82
amended.....		465/82	July	24/82
amended.....		623/82	Oct.	9/82
amended.....		657/82	Oct.	23/82
amended.....		677/82	Oct.	23/82
amended.....		698/82	Nov.	6/82
amended.....		758/82	Dec.	4/82
amended.....		800/82	Dec.	25/82
amended.....		827/82	Jan.	8/83
amended.....		97/83	Mar.	5/83
amended.....		190/83	Apr.	16/83
amended.....		191/83	Apr.	16/83
amended.....		235/83	May	7/83
amended.....		280/83	May	28/83
amended.....		382/83	July	9/83
amended.....		399/83	July	16/83
amended.....		579/83	Oct.	1/83
amended.....		693/83	Nov.	19/83
amended.....		762/83	Dec.	24/83
amended.....		773/83	Dec.	31/83
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amended.....		201/81	Apr.	18/81
amended.....		707/81	Nov.	7/81
amended.....		804/81	Dec.	19/81
amended.....		520/83	Aug.	27/83
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amended.....		132/81	Mar.	28/81
amended.....		456/81	July	25/81
amended.....		22/82	Feb.	6/82
amended.....		119/82	Mar.	20/82
amended.....		319/82	May	29/82
amended.....		676/82	Oct.	23/82
amended.....		791/82	Dec.	18/82
amended.....		124/83	Mar.	26/83
amended.....		234/83	May	7/83
amended.....		696/83	Nov.	19/83
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amended.....		680/81	Oct.	31/81
amended.....		18/82	Feb.	6/82
amended.....		320/82	May	22/82
amended.....		622/82	Oct.	9/82
amended.....		123/83	Mar.	26/83
amended.....		424/83	July	16/83
amended.....		456/83	Aug.	6/83
amended.....		642/83	Oct.	29/83
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amended.....		601/81	Sept.	19/81
amended.....		16/82	Feb.	6/82
amended.....		229/83	May	7/83
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amended.....		15/82	Feb.	6/82
amended.....		73/82	Feb.	27/82
amended.....		458/82	July	17/82
amended.....		615/82	Oct.	2/82
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amended.....		733/83	Dec.	10/83
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amended.....		821/81	Dec.	26/81
amended.....		732/83	Dec.	10/83
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amended.....		171/81	Apr.	11/81
amended.....		666/81	Oct.	24/81
amended.....		236/82	May	1/82
amended.....		736/82	Nov.	20/82
amended.....		232/83	May	7/83
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amended.....		50/81	Feb.	21/81
amended.....		188/81	Apr.	11/81
amended.....		272/81	May	16/81
amended.....		377/81	June	20/81
amended.....		482/81	Aug.	1/81
amended.....		614/81	Oct.	3/81

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amended.....	699/81		Nov.	7/81
amended.....	820/81		Dec.	26/81
amended.....	70/82		Feb.	20/82
amended.....	313/82		May	22/82
amended.....	457/82		July	17/82
amended.....	550/82		Aug.	21/82
amended.....	552/82		Aug.	21/82
amended.....	723/82		Nov.	13/82
amended.....	72/83		Feb.	12/83
amended.....	275/83		May	21/83
amended.....	464/83		Aug.	6/83
amended.....	581/83		Oct.	1/83
amended.....	608/83		Oct.	15/83
amended.....	630/83		Oct.	15/83
amended.....	650/83		Oct.	29/83
amended.....	699/83		Nov.	19/83
amended.....	731/83		Dec.	10/83
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amended.....		560/81	Sept.	5/81
amended.....		805/81	Dec.	19/81
amended.....		845/81	Jan.	2/82
amended.....		30/82	Feb.	13/82
amended.....		72/82	Feb.	27/82
amended.....		352/82	June	12/82
amended.....		353/82	June	12/82
amended.....		407/82	June	26/82
amended.....		408/82	June	26/82
amended.....		487/82	Aug.	7/82
amended.....		520/82	Aug.	14/82
amended.....		534/82	Aug.	21/82
amended.....		580/82	Sept.	11/82
amended.....		625/82	Oct.	9/82
amended.....		840/82	Jan.	8/83
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amended.....		546/81	Sept.	5/81
amended.....		77/82	Mar.	6/82
amended.....		265/82	May	8/82
amended.....		360/82	June	12/82
amended.....		22/83	Jan.	29/83
amended.....		76/83	Feb.	19/83
amended.....		193/83	Apr.	16/83
amended.....		214/83	Apr.	30/83
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amended.....		66/82	Feb.	20/82
amended.....		258/82	May	1/82
amended.....		310/82	May	22/82
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Community of Hurkett.....		119/81	Mar.	14/81
Community of King - Lebel.....		806/82	Dec.	25/82
Community of Lappe.....		556/82	Aug.	28/82
Community of Madawaska.....		741/82	Nov.	20/82
Community of Madsen.....	605	-		
Community of Minaki.....		212/83	Apr.	30/83
Community of Missanabie.....		471/82	July	24/82
amended.....		800/83	Jan.	7/84
Community of Nestor Falls.....		795/81	Dec.	12/81
Community of Oba.....		849/82	Jan.	15/83
Community of Pearson.....		472/82	July	24/82
Community of Redditt.....		796/81	Dec.	12/81
Community of Restoule.....		633/81	Oct.	17/81
Community of Robinson.....		333/81	June	6/81
Community of Rossport.....		782/82	Dec.	11/82

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Community of Searchmont.....		596/81	Sept.	19/81
Community of Shakespeare.....		527/83	Sept.	3/83
Community of Sultan.....		473/82	July	24/82
Community of Thorne.....		58/82	Feb.	20/82
Community of Wabigoon.....		7/81	Jan.	31/81
Community of Willisville and Whitefish Falls.....		327/82	May	29/82
amended.....		445/82	July	17/82

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amended.....		454/81	July 18/81
amended.....		463/81	July 25/81
amended.....		207/82	Apr. 24/82
amended.....		225/82	May 1/82
amended.....		524/82	Aug. 14/82
amended.....		745/82	Nov. 27/82
amended.....		162/83	Apr. 9/83
amended.....		241/83	May 14/83
amended.....		542/83	Sept. 10/83
amended.....		543/83	Sept. 10/83
amended.....		673/83	Nov. 5/83
Grants.....	610	-	
amended.....		174/81	Apr. 11/81
amended.....		215/81	Apr. 25/81
amended.....		226/82	May 1/82
amended.....		804/82	Dec. 25/82
amended.....		522/83	Sept. 3/83
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Application of Section 10 of the Public Hospitals Act.....		214/81	Apr. 25/81
General.....	611	-	
amended.....		172/81	Apr. 11/81
amended.....		682/81	Oct. 31/81
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amended.....		322/82	May	29/82
amended.....		200/83	Apr.	16/83
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amended.....		380/82	June	19/82
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amended.....		40/81	Feb.	14/81
amended.....		195/81	Apr.	18/81
amended.....		266/81	May	16/81
amended.....		515/81	Aug.	15/81
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amended.....		594/81	Sept. 19/81
amended.....		650/81	Oct. 17/81
amended.....		877/81	Jan. 16/82
amended.....		47/82	Feb. 20/82
amended.....		522/82	Aug. 14/82
amended.....		559/82	Aug. 28/82
amended.....		592/82	Sept. 18/82
amended.....		725/82	Nov. 13/82
amended.....		857/82	Jan. 15/83
amended.....		81/83	Feb. 19/83
amended.....		199/83	Apr. 16/83
amended.....		253/83	May 14/83
amended.....		479/83	Aug. 13/83
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amended.....		723/81	Nov. 14/81
amended.....		876/81	Jan. 16/82
amended.....		46/82	Feb. 20/82
amended.....		523/82	Aug. 14/82
amended.....		558/82	Aug. 28/82
amended.....		591/82	Sept. 18/82
amended.....		679/82	Oct. 23/82
amended.....		724/82	Nov. 13/82
amended.....		856/82	Jan. 15/83
amended.....		79/83	Feb. 19/83
amended.....		198/83	Apr. 16/83
amended.....		252/83	May 14/83
amended.....		478/83	Aug. 13/83
amended.....		555/83	Sept. 17/83
amended.....		811/83	Jan. 14/84
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amended.....		475/81	Aug. 1/81
amended.....		5/82	Jan. 23/82
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amended.....		145/82	Mar. 27/82
amended.....		291/82	May 15/82
amended.....		113/83	Mar. 19/83
amended.....		658/83	Oct. 29/83
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amended.....		42/81	Feb. 14/81
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amended.....		80/83	Feb. 19/83
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amended.....		39/82	Feb.	13/82
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amended.....		799/81	Dec.	12/81
amended.....		874/81	Jan.	16/82
amended.....		740/82	Nov.	20/82
amended.....		790/82	Dec.	18/82
amended.....		6/83	Jan.	22/83
amended.....		8/83	Jan.	22/83
amended.....		84/83	Feb.	19/83
amended.....		176/83	Apr.	16/83
amended.....		177/83	Apr.	16/83
amended.....		665/83	Oct.	29/83
amended.....		666/83	Oct.	29/83
amended.....		667/83	Oct.	29/83
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amended.....		181/82	Apr.	10/82
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amended.....		489/81	Aug.	8/81
amended.....		668/81	Oct.	24/81
amended.....		686/81	Oct.	31/81
amended.....		793/81	Dec.	12/81
amended.....		54/82	Feb.	20/82
amended.....		234/82	May	1/82
amended.....		296/82	May	22/82
amended.....		530/82	Aug.	21/82
amended.....		608/82	Sept.	25/82
amended.....		734/82	Nov.	20/82
amended.....		78/83	Feb.	19/83
amended.....		258/83	May	21/83
amended.....		459/83	Aug.	6/83
amended.....		550/83	Sept.	10/83
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Guaranteed Income Limit..... (revoked by 62/83)		687/82	Oct.	30/82
Guaranteed Income Limit..... (revoked by 465/83)		62/83	Feb.	12/83
Guaranteed Income Limit..... (revoked by 759/83)		465/83	Aug.	6/83
Guaranteed Income Limit.....		759/83	Dec.	17/83
ONTARIO HERITAGE ACT				
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Grants and Loans.....	711	-		
Grants to Incorporated Historical Societies and Associations.....	712	-		
Grants for Museums..... (revoked by 689/81)	713	-		
Grants for Museums (revoking Reg.).....		689/81	Oct.	13/81
Grants for Museums.....		398/81	July	4/81
amended.....		729/81	Nov.	14/81
amended.....		224/83	Apr.	30/83
Grants for Plaquing.....	714	-		
Licences..... (revoked by 212/82)	715	-		
Licences.....		212/82	Apr.	24/82
ONTARIO HIGHWAY TRANSPORT BOARD ACT				
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amended.....		120/82	Mar.	20/82
amended.....		546/82	Aug.	21/82
ONTARIO HUMAN RIGHTS CODE				
Form of Complaint.....	717	-		
ONTARIO INSTITUTE FOR STUDIES IN EDUCATION ACT				
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ONTARIO LOTTERY CORPORATION ACT				
General.....	719	-		
ONTARIO MINERAL EXPLORATION PROGRAM ACT				
General.....	720	-		
amended.....		82/81	Mar.	14/81
General.....	721	-		
ONTARIO MUNICIPAL BOARD ACT				
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amended.....		623/81	Oct.	10/81

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amended.....			330/82	June	5/82
amended.....			61/83	Feb.	12/83
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT					
General.....	724	-			
amended.....		641/81	Oct.	17/81	
amended.....		389/82	June	19/82	
amended.....		70/83	Feb.	12/83	
amended.....		359/83	July	2/83	
ONTARIO MUNICIPAL IMPROVEMENT CORPORATION ACT					
Procedure.....	725	-			
ONTARIO NEW HOME WARRANTIES PLAN ACT					
Administration of the Plan.....	726	-			
amended.....		142/81	Mar.	28/81	
amended.....		289/82	May	15/82	
amended.....		120/83	Mar.	19/83	
Designation of Corporation.....	727	-			
Terms and Conditions of Registration of Builders and Vendors.....	728	-			
ONTARIO PENSIONERS PROPERTY TAX ASSISTANCE ACT					
Definition - "Rent Paid"..... (revoked by 363/82)	729	-			
Definition - "Rent Paid" (revoking Reg.).....		363/82	June	12/82	
General..... (revoked by 776/81)	730	-			
General.....		776/81	Dec.	5/81	
amended.....		688/82	Oct.	30/82	
amended.....		757/83	Dec.	17/83	
General..... (revoked by 726/81)	731	-			
General..... (revoked by 635/82)		726/81	Nov.	14/81	
General.....		635/82	Oct.	9/82	
amended.....		393/83	July	9/83	
amended..... (revoked by 695/83)		513/83	Aug.	27/83	
General.....		695/83	Nov.	19/83	

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ONTARIO PLACE CORPORATION ACT				
Fees.....	732	-		
amended.....		255/81	May	16/81
amended.....		784/81	Dec.	5/81
amended.....		726/82	Nov.	13/82
amended.....		287/83	May	28/83
amended.....		746/83	Dec.	17/83
ONTARIO PLANNING AND DEVELOPMENT ACT				
Amendment to Local Plan - Vaughan Planning Area.....		76/81	Mar.	7/81
ONTARIO TELEPHONE DEVELOPMENT CORPORATION ACT				
Composition of Corporation.....	733	-		
ONTARIO UNCONDITIONAL GRANTS ACT				
Determination of Apportionments, Levies and Requisitions, 1981.....		579/81	Sept.	12/81
amended.....		104/82	Mar.	6/82
Determination of Apportionments and Levies, 1982.....		648/82	Oct.	16/82
Determination of Apportionments and Levies, 1983.....		289/83	May	28/83
General..... (revoked by 578/81)	734	-		
General.....		578/81	Sept.	12/81
amended.....		105/82	Mar.	6/82
amended.....		413/82	July	3/82
(revoked by 565/82)				
General..... (revoked by 246/83)		565/82	Sept.	4/82
General.....		246/83	May	14/83
ONTARIO UNIVERSITIES CAPITAL AID CORPORATION ACT				
Designated Universities.....	735	-		
ONTARIO WATER RESOURCES ACT				
Plumbing Code.....	736	-		
amended.....		567/81	Sept.	12/81
amended.....		58/83	Feb.	5/83

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Rate of Interest.....	737	-		
South Cayuga Sewage Works..... (revoked by 520/81)	738	-		
South Cayuga Sewage Works (revoking Reg.)....		520/81	Aug.	22/81
Water Wells.....	739	-		
amended.....		160/82	Apr.	3/82
ONTARIO YOUTH EMPLOYMENT ACT				
General..... (expired)		183/81	Apr.	11/81
General..... (expired)		195/82	Apr.	17/82
General.....		163/83	Apr.	9/83
OPERATING ENGINEERS ACT				
General.....	740	-		
amended.....		180/82	Apr.	10/82
amended.....		406/82	June	26/82
amended.....		639/83	Oct.	29/83
amended.....		745/83	Dec.	17/83
OPHTHALMIC DISPENSERS ACT				
General.....	741	-		

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PAPERBACK AND PERIODICAL DISTRIBUTORS ACT				
General.....	742	-	Oct.	15/83
amended.....		611/83		
PARKS ASSISTANCE ACT				
General.....	743	-		
PARKWAY BELT PLANNING AND DEVELOPMENT ACT				
<u>(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.)</u> <u>(- for amendments to the end of 1980</u> <u>- see Table of Regulations published in</u> <u>The Ontario Gazette dated March 14, 1981 or</u> <u>in the Statutes of Ontario, 1980.)</u>				
Land Use Regulations -				
County of Halton (now The Regional Municipality of Halton), City of Burlington.....		*482/73		
amended.....		55/81	Feb.	21/81
amended.....		87/81	Mar.	14/81
amended.....		145/81	Mar.	28/81
amended.....		147/81	Apr.	4/81
amended.....		275/81	May	16/81
amended.....		420/81	July	11/81
amended.....		468/81	July	25/81
amended.....		544/81	Sept.	5/81
amended.....		604/81	Sept.	19/81
amended.....		605/81	Sept.	19/81
amended.....		724/81	Nov.	14/81
amended.....		725/81	Nov.	14/81
amended.....		826/81	Dec.	26/81
amended.....		25/82	Feb.	13/82
amended.....		32/82	Feb.	13/82
amended.....		482/82	July	31/82
amended.....		566/82	Sept.	4/82
amended.....		757/82	Dec.	4/82
amended.....		818/82	Jan.	1/83
amended.....		201/83	Apr.	23/83
amended.....		202/83	Apr.	23/83
amended.....		318/83	June	11/83
amended.....		346/83	June	25/83
amended.....		578/83	Oct.	1/83
amended.....		767/83	Dec.	24/83

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County of Halton (now The Regional Municipality of Halton), Town of Milton.....		*480/73		
County of Halton (now part of the regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of Mississauga).		*481/73		
amended.....	15/81		Feb.	7/81
amended.....	146/81		Apr.	4/81
amended.....	184/81		Apr.	11/81
amended.....	192/81		Apr.	18/81
amended.....	258/81		May	16/81
amended.....	265/81		May	16/81
amended.....	317/81		May	30/81
amended.....	386/81		June	27/81
amended.....	419/81		July	11/81
amended.....	449/81		July	18/81
amended.....	598/81		Sept.	19/81
amended.....	709/81		Nov.	7/81
amended.....	362/82		June	12/82
amended.....	377/82		June	19/82
amended.....	505/82		Aug.	7/82
amended.....	704/82		Nov.	6/82
amended.....	705/82		Nov.	6/82
amended.....	706/82		Nov.	6/82
amended.....	707/82		Nov.	6/82
amended.....	817/82		Jan.	1/83
amended.....	88/83		Feb.	26/83
amended.....	116/83		Mar.	19/83
amended.....	136/83		Mar.	26/83
amended.....	356/83		July	2/83
amended.....	363/83		July	9/83
amended.....	444/83		July	23/83
amended.....	471/83		Aug.	13/83
amended.....	635/83		Oct.	15/83
amended.....	715/83		Nov.	26/83
County of Peel (now The Regional Municipality of Peel), Town of Mississauga (now part of the cities of Brampton and Mississauga).....		*479/73		
amended.....	60/81		Feb.	21/81
amended.....	198/81		Apr.	18/81
amended.....	240/81		May	9/81
amended.....	244/81		May	9/81
amended.....	245/81		May	9/81
amended.....	319/81		May	30/81
amended.....	329/81		June	6/81

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amended.....	464/81	July	25/81
amended.....	537/81	Aug.	29/81
amended.....	715/82	Nov.	13/82
amended.....	119/83	Mar.	19/83
amended.....	203/83	Apr.	23/83
County of Peel (now The Regional Municipality of Peel), Township of Toronto Gore (now the City of Brampton).....	*476/73		
amended.....	763/81	Nov.	28/81
amended.....	33/82	Feb.	13/82
amended.....	726/83	Dec.	10/83
County of Peel (now The Regional Municipality of Peel), Township of Chinguacousy (now the City of Brampton).....	*477/73		
amended.....	691/81	Nov.	7/81
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas.....	*486/73		
amended.....	354/81	June	13/81
amended.....	1/82	Jan.	23/82
amended.....	693/82	Nov.	6/82
amended.....	26/83	Jan.	29/83
amended.....	728/83	Dec.	10/83
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of East Flamborough (now the Township of Flamborough).....	*483/73		
amended.....	90/83	Feb.	26/83
amended.....	439/83	July	23/83
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough).....	*484/73		
amended.....	483/82	July	31/82
amended.....	617/82	Oct.	2/82
amended.....	133/83	Mar.	26/83
amended.....	134/83	Mar.	26/83
amended.....	135/83	Mar.	26/83
amended.....	213/83	Apr.	30/83
amended.....	485/83	Aug.	20/83
amended.....	582/83	Oct.	1/83
amended.....	727/83	Dec.	10/83
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough).....	*485/73		

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Municipality of Metropolitan Toronto, Borough of Etobicoke.....	*478/73			
amended.....	506/82		Aug.	7/82
amended.....	95/83		Mar.	5/83
amended.....	328/83		June	18/83
amended.....	523/83		Sept.	3/83
Regional Municipality of York, Town of Markham.....	*473/73			
amended.....	282/81		May	23/81
amended.....	443/81		July	11/81
amended.....	582/81		Sept.	12/81
amended.....	432/82		July	3/82
amended.....	437/82		July	10/82
amended.....	470/82		July	24/82
amended.....	513/82		Aug.	14/82
amended.....	593/82		Sept.	18/82
amended.....	317/83		June	11/83
amended.....	489/83		Aug.	20/83
amended.....	491/83		Aug.	20/83
amended.....	634/83		Oct.	10/83
amended.....	718/83		Dec.	3/83
amended.....	770/83		Dec.	24/83
Regional Municipality of York, Town of Richmond Hill.....	*474/73			
amended.....	508/82		Aug.	7/82
Regional Municipality of York, Town of Vaughan.....	*475/73			
amended.....	79/81		Mar.	7/81
amended.....	49/82		Feb.	20/82
amended.....	189/82		Apr.	10/82
amended.....	376/82		June	19/82
amended.....	387/82		June	19/82
amended.....	433/82		July	10/82
amended.....	434/82		July	10/82
amended.....	469/82		July	24/82
amended.....	507/82		Aug.	7/82
amended.....	620/82		Oct.	9/82
amended.....	104/83		Mar.	12/83
amended.....	413/83		July	16/83
amended.....	546/83		Sept.	10/83
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PARTNERSHIPS REGISTRATION ACT				
General.....	745			

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PENSION BENEFITS ACT				
Exemption.....		166/81	Apr.	4/81
Exemption.....		315/82	May	22/82
General.....	746			
amended.....		101/81	Mar.	14/81
amended.....		262/82	May	8/82
amended.....		500/83	Aug.	27/83
PERSONAL PROPERTY SECURITY ACT				
Branch Offices.....	747			
Fees Concerning Security Documents.....	748			
General.....	749			
amended.....		838/81	Jan.	2/82
Personal Property Security Assurance Fund.....	750			
PESTICIDES ACT				
General.....	751			
amended.....		252/81	May	16/81
amended.....		616/81	Oct.	3/81
amended.....		756/81	Nov.	28/81
amended.....		161/82	Apr.	3/82
PETROLEUM RESOURCES ACT				
Exploration, Drilling and Production.....	752			
amended.....		35/82	Feb.	13/82
Spacing Units - Arthur Pool.....	753			
Clearville.....	754			
Colchester South.....	755			
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Coveny Pool.....	757			
Dawn 4-28-111 Pool.....	758			
Dawn and Sombra (Townships of).....	759			

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Dover 7-5-V Pool.....		622/83	Oct. 15/83
Duncannon Pool.....	760		
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Hemlock Pool.....	765		
Innerkip East Pool.....	766		
Innerkip Pool.....	767		
Ladysmith Pool.....	768		
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Moore (Township of).....	770		
Osborne Pool.....	771		
Otter Creek East Pool.....	772		
Otter Creek Pool.....	773		
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General.....	784			
amended.....		157/81	Apr.	4/81
amended.....		323/81	May	30/81
PLANNING ACT				
(see now <u>Planning Act, 1983</u> - S.O.1983, c.1)				
Delegation of Authority of Minister under Section 53 of the Planning Act				
- Condominium Plans..... (revoked by 475/83)		324/81	May	30/81
- Condominium Plans..... (revoked by 475/83)		147/83	Apr.	2/83
- Subdivision Plans..... (revoked by 476/83)		78/82	Mar.	6/82
NOTE: For Delegation of Authority Withdrawals see "Withdrawals of Delegation of Authority of Minister under....."				
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Town of Fort Erie in The Regional Municipality of Niagara, Lot 15 and parts of lots 14 and 16, Plan Number 32.....		2/81	Jan.	24/81
City of London in the County of Middlesex, Lot 35, Plan Number 630.....		3/81	Jan.	24/81
Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number D-320.....		8/81	Jan.	31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-478.....		12/81	Feb.	7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624.....		17/81	Feb.	7/81

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Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 200.....		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 487.....		54/81	Feb. 21/81
Town of Goderich in the County of Huron, lots 865 and 866, lots 888 and 889, Plan Number 7.....		74/81	Mar. 7/81
City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95		124/81	Mar. 21/81
Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094.....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
Town of Newcastle, formerly in the Township of Darlington, in the County of Durham, Lot 23, Concession III.....		234/81	May 2/81
Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
Township of Rama in the County of Simcoe, Lot 19, Concession F.....		262/81	May 16/81
Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81

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Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May	16/81
Township of Verulam in the County of Victoria, Lot 11, Concession IV, Plan Number RD60.....		351/81	June	13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of lots 314 and 315, Plan Number 1813.....		356/81	June	13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of lots 17 and 18, Plan Number 847.....		357/81	June	13/81
Township of Essa in the County of Simcoe, Part of the East Half of Lot 19, Concession IV, Plan Number 51R-478.....		391/81	June	27/81
Township of Wainfleet in The Regional Municipality of Niagara, formerly in the County of Welland, Parts of lots 19 and 20, Concession III, Plan Number 778A.....		392/81	June	27/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the County of Welland, Part of Block F, Corporation Plan No. 24, now known as Plan 525.....		393/81	June	27/81
Township of Amaranth in the County of Dufferin, Lot 1, Concession IX.....		403/81	July	4/81
Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 57R-228.....		411/81	July	4/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 4, Cross Concession.....		450/81	July	18/81
City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 128E.....		485/81	Aug.	8/81

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Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....	486/81	Aug.	8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....	488/81	Aug.	8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....	528/81	Aug.	29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....	542/81	Sept.	5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)	577/81	Sept.	12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402.....	585/81	Sept.	12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....	612/81	Oct.	3/81
City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....	618/81	Oct.	10/81
Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....	632/81	Oct.	17/81
Township of Rama in the County of Simcoe, Lot 5, Concession L.....	674/81	Oct.	24/81
Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....	676/81	Oct.	31/81

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Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-1, Section MA-2..... (revoked by 861/81)	677/81		Oct. 31/81
City of Toronto and partly in the Borough of York, formerly in the Township of York, Plan No. 1885.....	714/81		Nov. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 2, Concession II.....	780/81		Dec. 5/81
Township of Tay in the County of Simcoe, Lot 14, Plan Number 87, Part 5, Plan Number 51R-1278.....	782/81		Dec. 5/81
Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....	783/81		Dec. 5/81
Town of Wasaga Beach in the County of Simcoe, Lot 26, Plan Number 1576.....	797/81		Dec. 12/81
Town of Wasaga Beach, formerly in the Village of Wasaga Beach, in the County of Simcoe, part of Lot 6, Concession XVI, Plan Number 51R-553.....	840/81		Jan. 2/82
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-7 for Section MA-2.....	861/81		Jan. 9/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....	869/81		Jan. 16/82
Township of Emily in the County of Victoria, Lot 13, Concession I, Plan Number RD-44.....	6/82		Jan. 30/82
Township of Tay in the County of Simcoe, part of Lot 112, Concession II, Plan Number 51R-1231.....	51/82		Feb. 20/82

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Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....	64/82		Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....	65/82		Feb. 20/82
Township of Tay in the County of Simcoe, part of Lot 13, Plan Number 51R-1278.....	80/82		Mar. 6/82
Township of Cardiff in the Provisional County of Haliburton, part of Lot 24, Concession VI.....	81/82		Mar. 6/82
Township of Bedford in the County of Frontenac, part of Lot 31, Concession VII.....	87/82		Mar. 6/82
City of North York in The Municipality of Metropolitan Toronto, part of Lot 64, Plan Number 7611.....	112/82		Mar. 13/82
City of North York in The Municipality of Metropolitan Toronto, Lot 65, Plan Number 7611.....	113/82		Mar. 13/82
Township of Uxbridge in The Regional Municipality of Durham in the County of Ontario, part of Lot 14, Concession VII, Plan Number 414.....	143/82		Mar. 27/82
Town of Wasaga Beach in the County of Simcoe, Lot 43, Plan Number 1700.....	163/82		Apr. 3/82
Township of Tay in the County of Simcoe, Lot 83, Concession 1, Plan Number 51R-10463..... (revoked by 453/82)	164/82		Apr. 3/82
Township of Scugog in The Regional Municipality of Durham, Lot 5, Concession X, Plan Number 40R-4747.....	175/82		Apr. 10/82
Township of Tay in the County of Simcoe, lots 13 and 14, Plan Number 51R-1278.....	192/82		Apr. 17/82

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Township of Georgina in The Regional Municipality of York, Lot 11, Concession III, Plan Number 86766B.....	193/82		Apr.	17/82
City of Mississauga in The Regional Municipality of Peel, Lot 162, Plan Number 774.....	280/82		May	15/82
City of Mississauga in The Regional Municipality of Peel, Lot 5, Concession I, Plan Number 43R-9820.....	292/82		May	22/82
Town of Wasaga Beach, County of Simcoe, Lot 6, Concession XVI, Plan Number RD469.....	301/82		May	22/82
Township of Smith in the County of Peterborough, Lot 27, Concession XIV, Plan Number 45R-4201.....	316/82		May	29/82
Town of Parry Sound, Territorial District of Parry Sound, Lots 114 and 115 on Westside of Highview Street, Plan Number 135.....	332/82		June	5/82
Township of Mariposa, County of Victoria, Lot 40, Plan Number 553.....	371/82		June	19/82
Township of Southwold, County of Elgin, Lot 45, Plan Number D-911.....	372/82		June	19/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553..... (revoked by 435/82)	381/52		June	19/82
Township of Essa in the County of Simcoe, Lot 19 in Concession IV, Plan Number 478.....	402/82		June	26/82
Town of Wasaga Beach, formerly in the Township of Sunnidale, in the County of Simcoe, Lot 5, Concession XV, Plan Number 51R-1316.....	420/82		July	3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 19, Plan Number 295.....	421/82		July	3/82

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Township of Adelaide, County of Middlesex, Concession III, Lot 20, Plan Number 295.....		422/82	July	3/82
Township of Normandy, County of Grey, Lot 30, Concession XIII.....		427/82	July	3/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553, (revoking Reg.).....		435/82	July	10/82
Township of Beaucage in the Territorial District of Nipissing, Lot 12, Concession I, Plan Number P-2259.....		446/82	July	17/82
Township of Lindsay, County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		452/82	July	17/82
Township of Tay, County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463.....		453/82	July	17/82
Township of Leamington, County of Essex, Lot 10, Plan Number 198.....		461/82	July	24/82
Village of Elora, County of Wellington Wellington South (No.61), Plan Number 181.....		481/82	July	31/82
Township of London, County of Middlesex, Concession XI.....		493/82	Aug.	7/82
Township of Matchedash, County of Simcoe, Lot 20, Concession VIII.....		510/82	Aug.	14/82
Village of Elora, County of Wellington, Wellington South (No.61) as Number 181, Plan Number WGR-14.....		511/82	Aug.	14/82
Township of Himsworth South, District of Parry Sound, Lot 11, Concession XVII, Number PSR, Plan 290.....		512/82	Aug.	14/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		578/82	Sept.	11/82

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Town of Halton Hills, The Regional Municipality of Halton (formerly the Town of Acton in the County of Halton) Lot 40, Plan Number 772.....		603/82	Sept. 25/82
Township of West Lincoln, The Regional Municipality of Niagara (Formerly in the Township of Gainsborough, County of Lincoln) Lot 19, Concession IV.....		605/82	Sept. 25/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		666/82	Oct. 23/82
Township of Innisfil, County of Simcoe, Lot 30, Concession XIII, Plan Number 660..... (revoked by 4/83)		675/82	Oct. 23/82
Township of Adjala in the County of Simcoe, Plan Number RD-622.....		691/82	Oct. 30/82
Township of Innisfil in the County of Simcoe, Lot 26, Concession XI.....		699/82	Nov. 6/82
Township of Bayham in the County of Elgin.....		735/82	Nov. 20/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV.....		756/82	Dec. 4/82
Township of Tudhope in the Territorial District of Timiskaming, Lot 11, Concession 1, Plan Number 54R-1327.....		759/82	Dec. 4/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-11213.....		763/82	Dec. 4/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		764/82	Dec. 4/82
Township of Cramahe in the County of Northumberland, Lots 14, 15 and 16 in Concession IV.....		788/82	Dec. 4/82
Township of Brant in the County of Bruce, Lot 30, Concession II.....		811/82	Jan. 1/83

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Township of Innisfil in the County of Simcoe, Part of Broken, Lot 30, Concession XIII and Part of Lot 39 and Block G, Plan Number 660.....		4/83	Jan. 22/83
Town of Wasaga Beach (formerly in the township of Sunnidale) in the County Simcoe, Lot 6, Concession XVI, Plan Number 534.....		18/83	Jan. 29/83
Town of Rayside - Balfour in The Regional Municipality of Sudbury, Lot 1, Concession III, Plan Number 53R-3792.....		52/83	Feb. 5/83
Town of Lindsay, formerly in the Township of Ops, in the County of Victoria, east half of Lot 20 in Concession IV, Plan Number 97956; Lot 20, Concession IV, Plan Number 13415.....		59/83	Feb. 5/83
Town of Onaping Falls formerly in the Township of Dowling, in The Regional Municipality of Sudbury, Lot 10, Concession IV.....		89/83	Feb. 26/83
Town of Wasaga Beach, formerly in the Township of Nottawasaga, County of Simcoe, Lot 8, Plan Number 862.....		105/83	Mar. 12/83
Town of Fort Erie in The Regional Municipality of Niagara, parts of Lots 13 and 14, Plan Number 328 for the Town of Fort Erie and Plan Number 2371 for the former Township of Bertie, now known as Plan Number 992.....		109/83	Mar. 12/83
City of Cornwall in the United Counties of Stormont, Dundas and Glengarry, Lot 7, Concession 1.....		110/83	Mar. 19/83
Township of WOLFORD in the United Counties of Leeds and Grenville, Lot 10, Concession II.....		111/83	Mar. 19/83

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Township of Orillia in the County of Simcoe, Lot 2 Concession 1, Plan Number 478.....	115/83	Mar. 19/83
Township of Dack, in the Territorial District of Timiskaming, Parcel 17567, South Section Timiskaming.....	143/83	Mar. 26/83
Township of Tay in the County of Simcoe, part of Lot 13 Plan Number 51R-1278.....	181/83	Apr. 16/83
Town of Wasaga Beach in the County of Simcoe, Lot 40 Plan Number 1700.....	182/83	Apr. 16/83
Township of Croft in the Territorial District of Parry Sound, Lots 21 and 22, Concession III, Plan Number P5R 1904.....	207/83	Apr. 23/83
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, part of Lot 125 Plan Number 774.....	216/83	Apr. 30/83
Township of Hagerman in the Territorial District of Parry Sound, parts of Lots 28, 29 and 30 in Concession VII Plan Number 260.....	217/83	Apr. 30/83
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Village of Crystal Beach in the County of Welland, part of Block P Plan Number 544.....	243/83	May 14/83
Township of Ewanturel in the Territorial District of Timiskaming, part of the south half of Lot 7 in Concession I.....	249/83	May 14/83

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Townships of Belmont and Methuen, formerly in the Township of Methuen, in the County of Peterborough, parts of Lot 30 in Concession IX.....	315/83		June 11/83
Township of Mariposa in the County of Victoria, part of Lot 1 in Concession C, part 6 Number R.D.200 Lot 11 Number 547.....	327/83		June 18/83
Township of Howard in the County of Kent, half Lot 93, Number 219087.....	329/83		June 18/83
Township of Mariposa in the County of Victoria part of Lot 8 in Concession A Number R.D.187.....	352/83		June 25/83
Town of Goderich in the County of Huron West half of Lot 376 Plan Number 457.....	357/83		July 2/83
Town of Huntsville in the District Municipality of Muskoka, formerly in the Township of Chaffey in the District of Muskoka, Part of Lot 11, Concession III Township of Chaffey Part 18, Plan Number BR-1048.....	420/83		July 16/83
Town of Aylmer in the County of Elgin Lots 1, 2, 3, 4 and 5 of Plan 301.....	421/83		July 16/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....	467/83		Aug. 6/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....	468/83		Aug. 6/83

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Township of Fenelon in the County of Victoria part of Lot 30 in Concession VII.....		472/83	Aug. 13/83
Township of Georgina, in The Regional Municipality of York, formerly in the County of York, part of Lot Numbers 22 and 23 in Concession 1.....		518/83	Aug. 27/83
City of Mississauga in The Regional Municipality of Peel (formerly in the Township of Toronto, in the County of Peel) part of Block B, Plan Number 680.....		519/83	Aug. 27/83
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Restricted Areas - (now zoning)			
County of Brant, Township of Brantford.....		*295/74	
Township of Brantford (revoking Reg.).		695/82	Nov. 6/82
County of Bruce, Township of Brant (revoking Reg.).....		747/82	Nov. 27/82
Township of Carrick..... amended.....		*274/74 358/83	July 2/83
Township of Huron (revoking Reg.).....		746/82	Nov. 27/82
Town of Kincardine (revoking Reg.)....		748/82	Nov. 27/82
County of Elgin, Township of Bayham (*284/74) amended..... (revoked by 799/82)		738/81	Nov. 21/81
Township of Bayham (revoking Reg.)....		799/82	Dec. 25/82
Township of Malahide (revoking Reg.)..		588/82	Sept. 18/82
County of Essex, Township of Colchester South (revoking Reg.).....		176/82	Apr. 10/82

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Township of Mersea (revoking Reg.)....		632/82	Oct. 9/82
Township of Tilbury North..... amended.....	*674 of R.R.O., 701/83	1970 Nov.	19/83
County of Frontenac, Township of Bedford (revoking Reg.)...		159/81	Apr. 4/81
County of Grey, Township of Glenelg.....		*294/74	
County of Haliburton, Township of Cardiff (revoking Reg.)...		604/82	Sept. 25/82
County of Hastings, Township of Sidney (revoking Reg.)....		305/82	May 22/82
Township of Thurlow..... amended.....	*318/74 218/83	Apr.	30/83
County of Huron, Township of East Wawanosh (revoking Reg.).....		238/82	May 1/82
Township of Hay (revoking Reg.).....		241/82	May 1/82
Township of Morris (revoking Reg.)....		239/82	May 1/82
Township of Stephen..... amended.....	*289/74 410/81	July	4/81
Township of Turnberry (revoking Reg.).....		240/82	May 1/82
Township of Usborne.....		*287/74	
County of Kent, Township of Camden (revoking Reg.)....		214/82	Apr. 24/82
Township of Chatham (*10/73) amended..... amended..... amended..... (revoked by 642/82)	752/81 809/81 587/82	Nov. 28/81 Dec. 19/81 Sept. 18/82	
Township of Chatham (revoking Reg.)...		642/82	Oct. 16/82
Township of Harwich.....		69/81	Mar. 7/81
Township of Raleigh (revoking Reg.)...		68/81	Mar. 7/81

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Township of Raleigh.....		70/81	Mar.	7/81
County of Lambton, Township of Bosanquet (revoking Reg.).		100/82	Mar.	6/82
Township of Moore.....		250/83	May	14/83
Township of Warwick.....		*281/74		
amended.....		851/81	Jan.	9/82
County of Lanark, Township of Drummond (revoking Reg.)..		531/81	Aug.	29/81
County of Leeds and Grenville, Township of Front of Leeds and Lansdowne (revoking Reg.).....		547/82	Aug.	21/82
Township of Oxford (on Rideau).....		372/77		
amended.....		22/81	Feb.	14/81
Township of South Elmsley.....		*310/74		
Township of South Gower.....		371/77		
County of Northumberland, Township of Murray (revoking Reg.)....		862/81	Jan.	16/82
County of Ontario (now The Regional Municipality of Durham), Township of Pickering (now the Town of Pickering).....		*102/72		
amended.....		208/81	Apr.	18/81
amended.....		209/81	Apr.	25/81
amended.....		833/81	Jan.	2/82
amended.....		852/81	Jan.	9/82
amended.....		165/82	Apr.	3/82
amended.....		492/82	Aug.	7/82
amended.....		64/83	Feb.	12/83
amended.....		93/83	Feb.	26/83
amended.....		194/83	Apr.	16/83
amended.....		283/83	May	28/83
amended.....		291/83	May	28/83
amended.....		310/83	June	4/83
amended.....		311/83	June	4/83
amended.....		469/83	Aug.	6/83
Township of Uxbridge.....		*103/72		
amended.....		538/81	Aug.	29/81
amended.....		426/82	July	3/82
amended.....		584/83	Oct.	1/83

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County of Oxford, Township of Tillsonburg.....	*347/74		
County of Perth, Township of Elma (revoking Reg.).....	182/82	Apr.	10/82
Township of Wallace (revoking Reg.)...	183/82	Apr.	10/82
County of Peterborough, Township of North Monaghan.....	377/77		
Township of Smith.....	720/79		
Township of Smith.....	879/79		
County of Prescott and Russell, Township of West Hawkesbury.....	*321/74		
County of Prince Edward, Township of North Marysburgh (revoking Reg.).....	812/81	Dec.	19/81
Township of Sophiasburgh (revoking Reg.)	696/82	Nov.	6/82
County of Renfrew, Township of Admaston.....	*316/74		
Township of Alice and Fraser.....	*314/74		
Township of Horton.....	*317/74		
Township of McNab.....	*311/74		
amended.....	437/81	July	11/81
Township of Pembroke.....	*315/74		
Township of Rolph, Buchanan, Wylie and McKay.....	*312/74		
Township of Stafford (revoking Reg.)..	697/82	Nov.	6/82
County of Simcoe, Township of Essa.....	*299/74		
Township of Innisfil.....	1034/80		
amended.....	20/82	Feb.	6/82
Township of Innisfil.....	675/81	Oct.	24/81
amended.....	438/82	July	10/82
amended.....	621/82	Oct.	9/82
amended.....	719/82	Nov.	13/82

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amended.....	284/83	May	28/83
amended.....	319/83	June	11/83
amended.....	498/83	Aug.	20/83
amended.....	786/83	Jan.	7/84
Township of Nottawasaga.....	*675 of R.R.O., 1970		
amended.....	185/81	Apr.	11/81
amended.....	237/81	May	2/81
amended.....	366/81	June	20/81
amended.....	367/81	June	20/81
amended.....	474/81	Aug.	1/81
amended.....	518/81	Aug.	22/81
amended.....	545/81	Sept.	5/81
amended.....	624/81	Oct.	10/81
amended.....	684/81	Oct.	31/81
amended.....	878/81	Jan.	16/82
amended.....	56/82	Feb.	20/82
amended.....	101/82	Mar.	6/82
amended.....	142/82	Mar.	27/82
amended.....	373/82	June	19/82
amended.....	378/82	June	19/82
amended.....	395/82	June	26/82
amended.....	462/82	July	24/82
amended.....	509/82	Aug.	14/82
amended.....	557/82	Aug.	28/82
amended.....	585/82	Sept.	18/82
amended.....	586/82	Sept.	18/82
amended.....	631/82	Oct.	9/82
amended.....	662/82	Oct.	23/82
amended.....	703/82	Nov.	6/82
amended.....	65/83	Feb.	12/83
amended.....	117/83	Mar.	19/83
amended.....	262/83	May	21/83
amended.....	312/83	June	4/83
amended.....	313/83	June	4/83
amended.....	354/83	July	2/83
amended.....	390/83	July	9/83
amended.....	391/83	July	9/83
amended.....	449/83	July	30/83
amended.....	534/83	Sept.	10/83
amended.....	535/83	Sept.	10/83
amended.....	536/83	Sept.	10/83
amended.....	537/83	Sept.	10/83
amended.....	574/83	Sept.	24/83
amended.....	694/83	Nov.	19/83
Township of Nottawasaga.....	302/82	May	22/82
Township of Tay (revoking Reg.).....	148/81	Apr.	4/81
Township of Tecumseth.....	*300/74		
amended.....	616/82	Oct.	2/82

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Township of Tiny.....	190/81		Apr.	11/81
Township of Vespra.....	*62/73			
amended.....	202/81		Apr.	18/81
amended.....	274/81		May	16/81
amended.....	307/81		May	23/81
amended.....	491/81		Aug.	8/81
amended.....	492/81		Aug.	8/81
amended.....	519/81		Aug.	22/81
amended.....	374/82		June	19/82
amended.....	375/82		June	19/82
amended.....	765/82		Dec.	4/82
amended.....	5/83		Jan.	22/83
amended.....	761/83		Dec.	17/83
amended.....	771/83		Dec.	24/83
County of Victoria, Township of Ops (revoking Reg.).....	715/81		Nov.	7/81
District of Algoma, geographic townships of Cobden, Striker, Scarfe and Mack.....	409/82		June	26/82
amended.....	332/83		June	18/83
geographic townships of Lewis, Long, Shedden, Spragge and Striker.....	*662 of R.R.O., 1970			
amended.....	370/82		June	12/82
amended.....	409/82		June	26/82
geographic Township of West.....	182/81		Apr.	11/81
amended.....	308/81		May	30/81
Sault Ste. Marie North Planning Area..	279/80			
amended.....	161/81		Apr.	4/81
amended.....	281/81		May	23/81
amended.....	380/81		June	20/81
amended.....	497/81		Aug.	15/81
amended.....	716/81		Nov.	7/81
amended.....	863/81		Jan.	16/82
amended.....	2/82		Jan.	23/82
amended.....	63/82		Feb.	20/82
amended.....	159/82		Apr.	3/82
amended.....	266/82		May	8/82
amended.....	333/82		June	5/82
amended.....	514/82		Aug.	14/82
amended.....	583/82		Sept.	11/82
amended.....	118/83		Mar.	19/83
amended.....	139/83		Mar.	26/83
amended.....	204/83		Apr.	23/83
amended.....	529/83		Sept.	3/83
amended.....	548/83		Sept.	10/83
amended.....	593/83		Oct.	15/83

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District of Cochrane,				
Town of Kapuskasing.....	*669 of R.R.O., 1970			
Town of Kapuskasing.....	172/75			
Township of Glackmeyer.....	*271/74			
geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way.....	*493/78			
amended.....	63/81	Feb.	28/81	
amended.....	486/82	July	31/82	
amended.....	230/83	May	7/83	
amended.....	326/83	June	18/83	
geographic townships of O'Brien, Owen and Teetzel.....	423/78			
Sunday Lake Area and Lower Detour Lake Area.....	280/81	May	23/81	
District of Kenora,				
geographic Township of Baird.....	12/78			
geographic Township of Baird.....	162/82	Apr.	3/82	
geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican.....	482/71			
geographic Township of Forgie.....	798/81	Dec.	12/81	
geographic Township of Pellatt.....	783/82	Dec.	18/82	
geographic Township of Pettypiece.....	177/80			
geographic Township of Van Horne.....	343/82	June	12/82	
geographic Township of Wainwright.....	797/79			
geographic Township of Wainwright.....	326/81	May	30/81	
territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold).....	327/81	May	30/81	
Territorial District of Kenora.....	718/82	Nov.	13/82	
Territorial District of Kenora.....	662/83	Oct.	29/83	
Territorial District of Kenora.....	663/83	Oct.	29/83	

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District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson (*153/74)			
amended.....	144/81	Mar.	28/81
amended.....	158/81	Apr.	4/81
amended.....	435/81	July	11/81
amended.....	530/81	Aug.	29/81
(revoked by 672/81)			
District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson.....	672/81	Oct.	24/81
amended.....	206/82	Apr.	24/82
amended.....	267/82	May	8/82
amended.....	369/82	June	12/82
amended.....	444/82	July	17/82
amended.....	610/82	Sept.	25/82
amended.....	205/83	Apr.	23/83
amended.....	206/83	Apr.	23/83
amended.....	652/83	Oct.	29/83
amended.....	692/83	Nov.	12/83
amended.....	717/83	Dec.	3/83
District of Nipissing, geographic townships of Askin, Gladman, Joan and Macpherson.....	486/71		
geographic Township of Phelps.....	774/83	Dec.	31/83
geographic Township of Phyllis.....	811/81	Dec.	19/81
geographic Township of Strathy.....	*666 of R.R.O., 1970		
part of the District.....	*540/74		
(see Schedule to the Regulation)			
amended.....	35/81	Feb.	14/81
amended.....	75/81	Mar.	7/81
amended.....	397/81	June	27/81
amended.....	457/81	July	25/81
amended.....	562/81	Sept.	12/81
amended.....	563/81	Sept.	12/81
amended.....	564/81	Sept.	12/81
amended.....	673/81	Oct.	24/81
amended.....	740/81	Nov.	21/81
amended.....	745/81	Nov.	28/81
amended.....	758/81	Nov.	28/81
amended.....	830/81	Dec.	26/81
amended.....	831/81	Dec.	26/81
amended.....	57/82	Feb.	20/82
amended.....	149/82	Apr.	3/82
amended.....	209/82	Apr.	24/82
amended.....	210/82	Apr.	24/82
amended.....	334/82	June	5/82
amended.....	361/82	June	12/82
amended.....	383/82	June	19/82

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amended.....	463/82	July	24/82
amended.....	464/82	July	24/82
amended.....	485/82	July	31/82
amended.....	500/82	Aug.	7/82
amended.....	581/82	Sept.	11/82
amended.....	582/82	Sept.	11/82
amended.....	678/82	Oct.	23/82
amended.....	702/82	Nov.	6/82
amended.....	708/82	Nov.	13/82
amended.....	777/82	Dec.	11/82
amended.....	846/82	Jan.	8/83
amended.....	337/83	June	25/83
amended.....	680/83	Nov.	12/83
amended.....	712/83	Nov.	26/83
amended.....	775/83	Dec.	31/83
amended.....	776/83	Dec.	31/83
amended.....	777/83	Dec.	31/83
Township of Temagami.....	*667 of R.R.O., 1970		
amended.....	561/81	Sept.	12/81
amended.....	454/82	July	17/82
amended.....	535/82	Aug.	21/82
amended.....	17/83	Jan.	22/83
District of Parry Sound, geographic Township of Croft.....	153/80		
geographic Township of Croft.....	1110/80		
geographic Township of East Mills.....	1133/80		
geographic Township of Ferguson.....	1109/80		
amended.....	396/81	June	27/81
geographic Township of Ferguson (Plan M-478).....	537/82	Aug.	21/82
geographic Township of Ferguson (Plan M-512).....	538/82	Aug.	21/82
geographic townships of McKenzie and Patterson.....	*484/71		
amended.....	74/82	Feb.	27/82
amended.....	405/82	June	26/82
District of Rainy River, geographic Township of Miscampbell....	449/74		
amended.....	575/81	Sept.	12/81
amended.....	603/81	Sept.	19/81
amended.....	712/81	Nov.	7/81
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Township of Alberton.....	*268/74		

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geographic Township of Ivanhoe.....		831/82	Jan.	8/83
part of the District (*568/72)				
amended.....		1/81	Jan.	24/81
amended.....		14/81	Feb.	7/81
amended.....		384/81	June	27/81
amended.....		385/81	June	27/81
amended.....		477/81	Aug.	1/81
amended.....		487/81	Aug.	8/81
amended.....		509/81	Aug.	15/81
amended.....		532/81	Aug.	29/81
amended.....		543/81	Sept.	5/81
amended.....		572/81	Sept.	12/81
(revoked by 834/81)				
Territorial District of Sudbury.....		834/81	Jan.	2/82
amended.....		67/82	Feb.	20/82
amended.....		79/82	Mar.	6/82
amended.....		110/82	Mar.	13/82
amended.....		116/82	Mar.	20/82
amended.....		117/82	Mar.	20/82
amended.....		118/82	Mar.	20/82
amended.....		242/82	May	1/82
amended.....		243/82	May	1/82
amended.....		257/82	May	1/82
amended.....		450/82	July	17/82
amended.....		476/82	July	24/82
amended.....		501/82	Aug.	7/82
amended.....		563/82	Sept.	4/82
amended.....		584/82	Sept.	11/82
amended.....		611/82	Sept.	25/82
amended.....		700/82	Nov.	6/82
amended.....		701/82	Nov.	6/82
amended.....		53/83	Feb.	5/83
amended.....		183/83	Apr.	16/83
amended.....		208/83	Apr.	23/83
amended.....		261/83	May	21/83
amended.....		292/83	May	28/83
amended.....		293/83	May	28/83
amended.....		349/83	June	25/83
amended.....		473/83	Aug.	13/83
amended.....		488/83	Aug.	20/83
amended.....		547/83	Sept.	10/83
amended.....		564/83	Sept.	24/83
amended.....		577/83	Oct.	1/83
amended.....		585/83	Oct.	1/83
amended.....		586/83	Oct.	1/83
amended.....		714/83	Nov.	26/83

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District of Thunder Bay, geographic townships of Ashmore, Errington, Fulford and McQuesten.....		364/81	June	20/81
amended.....		441/83	July	23/83
geographic townships of Gorham and Ware.....		*109/75		
amended.....		288/82	May	15/82
amended.....		664/82	Oct.	23/82
amended.....		690/82	Oct.	30/82
amended.....		796/82	Dec.	18/82
amended.....		362/83	July	9/83
amended.....		576/83	Oct.	1/83
geographic Township of Lyon.....		897/79		
geographic townships of Pearson and Scoble.....		*219/75		
amended.....		442/83	July	23/83
amended.....		545/83	Sept.	10/83
geographic Township of Upsala.....		296/80		
geographic Township of Upsala.....		64/81	Feb.	28/81
amended.....		533/81	Aug.	29/81
Savant Lake Townsite (Registered Part M-56).....		131/80		
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud.....		*671 of R.R.O.	1970	
amended.....		143/81	Mar.	28/81
amended.....		243/81	May	9/81
amended.....		355/81	June	13/81
amended.....		458/81	July	25/81
amended.....		490/81	Aug.	8/81
amended.....		527/81	Aug.	22/81
amended.....		539/81	Aug.	29/81
amended.....		172/82	Apr.	10/82
amended.....		208/82	Apr.	24/82
amended.....		403/82	June	26/82
amended.....		643/82	Oct.	16/82
amended.....		645/82	Oct.	16/82
amended.....		749/82	Nov.	27/82
amended.....		83/83	Feb.	19/83
amended.....		486/83	Aug.	20/83

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amended.....	487/83		Aug.	20/83
amended.....	672/83		Nov.	5/83
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geographic Township of Grenfell.....	647/83		Oct.	29/83
geographic Township of Grenfell.....	679/83		Nov.	12/83
geographic Township of Haultain.....	467/80			
Municipality of Metropolitan Toronto, the Borough of Scarborough.....	* 20/74			
Regional Municipality of Durham, Town of Ajax.....	* 18/74			
Town of Pickering.....	* 19/74			
amended.....	779/81		Dec.	9/81
amended.....	394/82		June	26/82
amended.....	160/83		Apr.	9/83
amended.....	195/83		Apr.	16/83
Township of Uxbridge (formerly the Township of Scott in the County of Ontario).....	*634/77			
Town of Whitby.....	*467/74			
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton)	*347/74			
Regional Municipality of Niagara, Township of West Lincoln (revoking Reg.).....	165/81		Apr.	4/81
Regional Municipality of Ottawa-Carleton, Township of Cumberland.....	*323/74			
amended.....	152/81		Apr.	4/81
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Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....	535/79			
Regional Municipality of York, Town of Markham.....	*104/72			
amended.....	125/81		Mar.	21/81

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amended.....	207/81		Apr. 18/81
amended.....	349/81		June 13/81
amended.....	436/81		July 11/81
amended.....	444/81		July 18/81
amended.....	540/81		Sept. 5/81
amended.....	670/81		Oct. 24/81
amended.....	789/81		Dec. 12/81
amended.....	8/82		Jan. 30/82
amended.....	138/82		Mar. 27/82
amended.....	388/82		June 19/82
amended.....	663/82		Oct. 23/82
amended.....	770/82		Dec. 11/82
amended.....	850/82		Jan. 15/83
amended.....	737/83		Dec. 10/83
amended.....	747/83		Dec. 17/83
Town of Markham..... (revoked by 317/82)	269/81		May 16/81
Town of Markham (revoking Reg.).....	317/82		May 29/82
Town of Richmond Hill.....	268/81		May 16/81
Town of Whitchurch-Stouffville.....	*101/72		
amended.....	369/81		June 20/81
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amended.....	467/81		July 25/81
amended.....	28/82		Feb. 13/82
amended.....	439/82		July 10/82
(revoked by 406/83)			
- Minor Variance Applications.....	787		
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amended.....	554/82		Aug. 28/82
(revoked by 447/83)			
Subdivision Control,			
County of Hastings - Plan No. 38.....	673 of R.R.O., 1970		
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District of Cochrane - Plan M-13.....	402/72		
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Condominium Plans.....	475/83	Aug.	13/83
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amended.....		816/82	Jan.	1/83
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amended.....		628/81	Oct.	10/81
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amended.....		499/81	Aug.	15/81
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amended.....		574/82	Sept.	11/82
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amended.....		426/81	July	11/81
amended.....		177/82	Apr.	10/82
amended.....		573/82	Sept.	11/82
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amended.....		382/82	June	19/82
amended.....		686/82	Oct.	30/82
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amended.....		766/82	Dec.	11/82
amended.....		33/83	Feb.	5/83
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amended.....		429/82	July	3/82

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amended.....		154/83	Apr.	30/83
amended.....		220/83	Apr.	30/83
amended.....		343/83	June	25/83
amended.....		378/83	July	9/83
General.....	822			
amended.....		251/81	May	16/81
amended.....		188/82	Apr.	10/82
amended.....		191/82	Apr.	10/82
amended.....		569/82	Sept.	4/82
amended.....		612/82	Sept.	25/82
amended.....		211/83	Apr.	23/83
amended.....		344/83	June	25/83
amended.....		644/83	Oct.	29/83
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amended.....		255/83	May	21/83
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amended.....		712/82	Nov.	13/82
amended.....		587/83	Oct.	1/83

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amended.....		351/82	June 12/82
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amended.....		141/81	Mar.	28/81
amended.....		606/81	Sept.	26/81
amended.....		837/81	Jan.	2/82
amended.....		868/81	Jan.	19/82
amended.....		55/82	Feb.	20/82
amended.....		273/82	May	8/82
amended.....		303/82	May	22/82
amended.....		590/82	Sept.	18/82
amended.....		737/82	Nov.	20/82
amended.....		821/82	Jan.	1/83
amended.....		126/83	Mar.	26/83
amended.....		238/83	May	14/83
amended.....		568/83	Sept.	24/83
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amended.....		92/81	Mar.	14/81
amended.....		140/81	Mar.	28/81
amended.....		178/81	Apr.	11/81
amended.....		381/81	June	20/81
amended.....		476/81	Aug.	1/81
amended.....		586/81	Sept.	12/81
amended.....		619/81	Oct.	10/81
amended.....		718/81.	Nov.	14/81
amended.....		813/81	Dec.	19/81
amended.....		41/82	Feb.	13/82
amended.....		167/82	Apr.	3/82
amended.....		168/82	Apr.	3/82
amended.....		232/82	May	1/82
amended.....		244/82	May	1/82

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amended.....	634/82		Oct.	9/82
amended.....	731/82		Nov.	20/82
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amended.....	503/83		Aug.	27/83
amended.....	619/83		Oct.	15/83
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amended.....		238/81	May	2/81	
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